

आधुनिक भारत के निर्माता BUILDERS OF MODERN INDIA आधुनिक

ভারতের স্রষ্টা আধুনিক ভারতের নির্মাতা আধুনিক ભારતના ધડવેયા અધુનિક

ಭಾರತದ ನಿರ್ಮಾಪಕರು आधुनिक भारतचे शिल्पकार आधुनिक ଭାରତର

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நவபா ரதச் சிற்பிகள் നവഭാരത നിർമ്മാതാക്കൾ

ನವ ಭಾರತ ನಿರ್ಮಾತೃಗಳು جدید ہندوستان کے معمار

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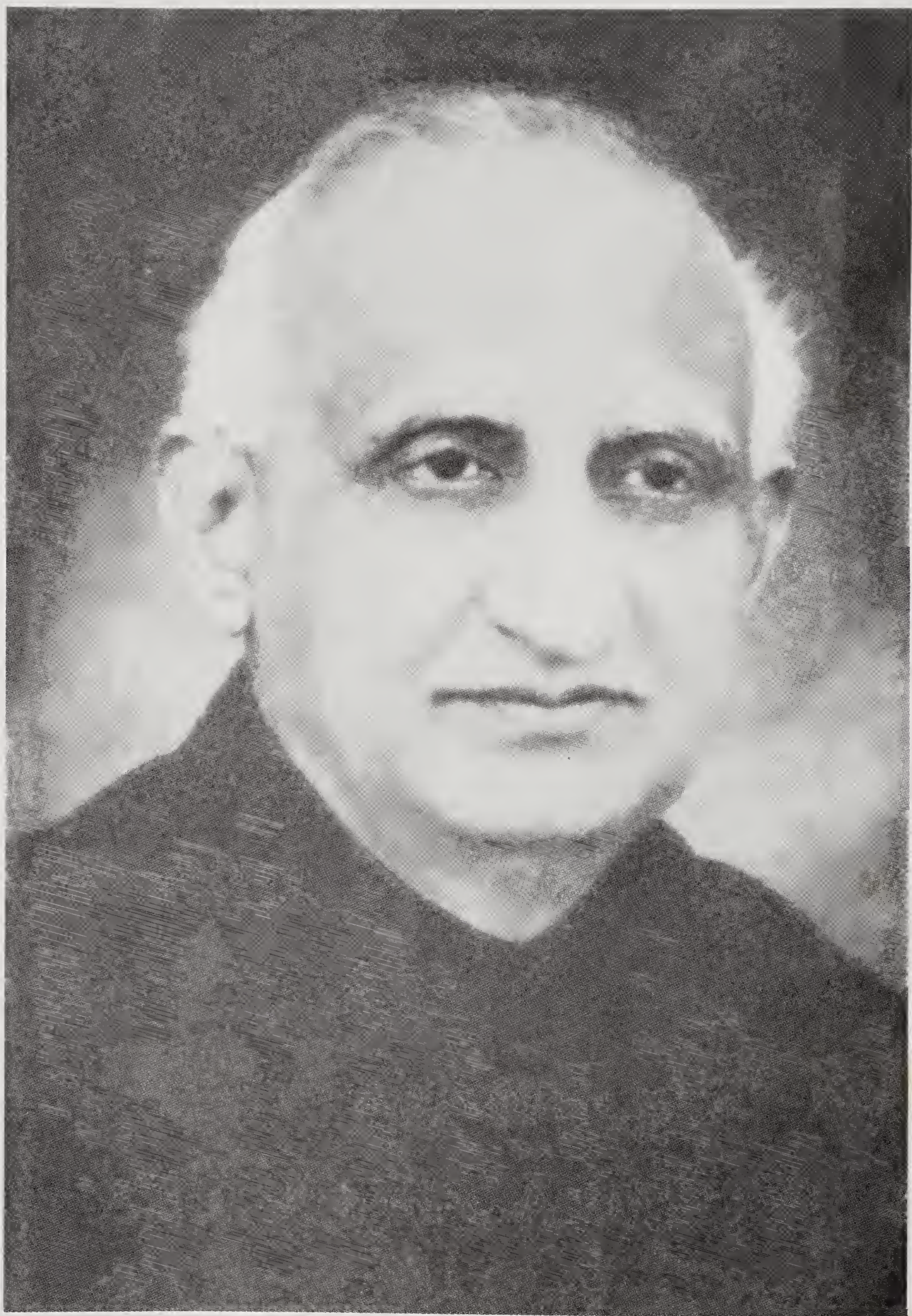
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BUILDERS OF MODERN INDIA

Bhulabhai Desai

M.C. Setalvad

PUBLICATIONS DIVISION



BUILDERS OF MODERN INDIA

BHULABHAI DESAI

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*Dedicated to
The Memory of
Ichhaben
The Wife of Bhulabhai*

ABOUT THE SERIES

The object of this series is to record, for the present and future generations, the story of the struggles and achievements of the eminent sons and daughters of India who have been mainly instrumental in our national renaissance and the attainment of independence. Except in a few cases, such authoritative biographies have not been available.

The biographies are planned as handy volumes written by knowledgeable people and giving a brief account in simple words of the life and activities of the eminent leaders and of their times. They are not intended either to be comprehensive studies or to replace the more elaborate biographies.

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PREFACE

Over three years ago, I was asked to write a biography of Bhulabhai Desai in the "Builders of Modern India" series. Memories of the training I had received from him in the profession, and of my long association with him, impelled me to agree.

It was, I believe, a rash undertaking, I was never in active politics while Bhulabhai's main achievements were in the political field. It was not easy for me to picture the events, blurred by rapid changes in the national scene, which had moved his utterances and actions, and to appreciate the political atmosphere in which he had functioned. The task was made more difficult by the absence of any important papers preserved by him.

Two good friends Raman Desai and A.G. Mulgaonkar, both interest in Bhulabhai, however, came to my rescue. We invited all those who had come in contact with Bhulabhai to send us accounts of what they knew or remembered about him. There was a generous response. Some of these friends helped us by permitting themselves to be interviewed and a large number sent us written notes. These have furnished valuable material which has been freely used. I am truly grateful to all who were kind enough to respond.

Desai and Mulgaonkar were kind enough to make a thorough search for all matter relating to Bhulabhai which could be found in contemporary newspapers, books and other writings and to complete for me notes based on these documents and the memoranda furnished by those who had

come in contact with Bhulabhai. Shri L.C. Bhagwat of the A.I.R., Bombay was kind enough to assist them in this search. It was a laborious task which occupied them for over a year. But for their indefatigable and continuous assistance this biography could not have been written.

I was also fortunate in obtaining valuable accounts from friends, who saw Bhulabhai function in two different fields. The chapter "In the Legislative Assembly" is largely based on what was given to me by Shri Y.N. Sukthankar who had, in his earlier days as a nominated member of the Assembly, watched Bhulabhai's great performance in the Legislature. Shri G.N. Joshi, who was closely associated with Bhulabhai in Bardoli and in many other important matters as a junior, has inspired what I have set down on Bardoli and some cases of Bhulabhai and about his personality.

As was to be expected, the family has been most helpful and co-operative. Shrimati Madhuri Desai has done her utmost to unearth old letters and papers; also a diary, kept by Bhulabhai when at Yeravada, which graphically sets down his views on men and events in those stirring and critical days. She was kind enough to supply to me typed copies of these documents and also sent the originals to me for being checked with the copies. Occasionally parts of the letters or diary were illegible or obscure. The gaps have been supplied and the meaning made clear with the minimum of addition or alteration.

For the political setting in which Bhulabhai worked I have mainly relied on Shri R.C. Majumdar's valuable *History of the Freedom Movement in India*, as is apparent from the quotations which I have profusely made from it. Apart from parts reproduced by me, a good deal of my chronology of political events is based upon that book. I tender my grateful

acknowledgements to the author for the use I have made of this work.

My acknowledgements are also due to a number of other distinguished writers from whose works I have taken the liberty to reproduce passages.

Lastly, I must express my very grateful thanks for the trouble that my junior Shri J.M. Mukhi has taken in carefully looking through the whole manuscript and making useful suggestions.

My endeavour has been to draw a true and faithful portrait of Bhulabhai as a national leader and an eminent lawyer. It is for the readers, particularly those who knew him and saw him at work, to judge how far I have succeeded.

11, *Safdarjung Road*,
NEW DELHI

M.C. SETALVAD

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Early Life

IN a speech made in 1934, Bhulabhai described himself as “a man of the street.” “I was born a poor agriculturist and had to walk five miles to school at the age of seven with a view to learn the rudiments of Gujarati characters.”

The family belonged to the Anavil Brahmin community which had played a dominant part in the social and administrative life of the Surat District of Gujarat since the days of the Peshwas. The Anavil, through centuries, became an agriculturist – an independent, hard-hitting, blunt, straightforward and dependable member of the community. A section of this community became farmers of land revenue under the Peshwas and was called Desais. It appears that almost all the middlemen through whom the revenue was collected – the Desais – belonged to the class of Anavil Brahmins. Later, a system of collecting land revenue direct from the cultivators was introduced, and cash allowances payable hereditarily were made to the Desais to compensate them for the loss of office. Thus it was that the family used to get an annual remuneration from the Government of Rs.20, being its share of this compensation.

Bhulabhai’s father, Jivanji, started life as a man of small means. He and his brother, Khandubhai, with his four daughters, were often in financial difficulties. Jivanji was a pleader; Khandubhai, a scribe and stamp-vendor. Jivanji was appointed Government Pleader, Mukhtiyar, with the right to private practice, and he began to prosper. He bought a plot of

land in Chinvai near Bulsar. It was almost fallow grass land which yielded very little income. He cultivated it, dug a well in it and planted it with alphonso mango groves and made a part of it into a paddy field. Later, having become more prosperous, he built a house in Bulsar. Jivanji was gay, gregarious and fond of good living. His wife, Rambai, came from a family of some means. She was a simple, uneducated and good-natured woman devoted to religion and its rites and rituals.

On the 13th October, 1877, was born in the family a son who was called Bhula. The name literally would mean one who had strayed into the family by mistake. It indicated the gratitude felt by the family at their being blessed with an only son who had entered their fold as it were by blunder.

Bhulabhai was brought up in his early years in his maternal uncle's house, from where he attended the village primary school and studied up to the seventh standard in Gujarati. It was in order to attend this school that he had to walk some miles, as stated by him. Thereafter, he became a pupil of the Avabai High School at Bulsar and was educated there up to the fifth standard in English. It is said that, in his school days in Bulsar, he played cricket, which perhaps was the only game for which he had shown a liking.

Jivanji had ambitions for his only child and dreamt of his becoming a distinguished lawyer or a high government official. He, therefore, sent him in 1891 at the age of 14 to Bombay for further education. At about that time was founded in Bombay the New High School with two distinguished principals—Bharda and Marzban—which later came to be regarded as one of the best high schools in Bombay. It earned a great reputation for its very efficient teaching of English and for the personal interest which was taken by the principals in each of the pupils. The new pupil

from Bulsar very soon became an active participant in the various activities of the school and was a favourite pupil of Principal Bharda. His jovial temperament and sense of humour undoubtedly derived a great deal from the years he spent in this school, where the Parsi boys predominated. Bhulabhai retained his close association with Principal Bharda and the school till late in life and became a friend of the Bharda family.

As the family had no house or relations in Bombay, it was arranged that Bhulabhai should stay at the Gokuldas Tejpal Boarding at Gowalia Tank as a paying boarder. Incidentally, it may be stated that this was the building where was held the first session of the Indian National Congress, which Bhulabhai was to serve in different capacities for so many years. It is said that both at school and in the boarding, he was very popular with his fellow-pupils. Some of his contemporaries in the boarding had not forgotten his kindness to other students who were not so well off as he was. He had also developed from his early days in Bulsar a teasing and mischievous sense of humour, which, in a variety of ways, entertained his fellow-students in the boarding.

In the year 1895, Bhulabhai passed the Matriculation examination, taking the first rank in the school and joined the Elphinstone College in Bombay, the premier institution of higher education in Bombay which claimed so many distinguished alumni. It was customary in those days for students from Gujarat to take Persian as their second language. Bhulabhai's second language at the college was Persian and he studied it under Professor Mirza Hairat, who, it is stated, "was a man of immense learning with a marvelous memory and a sort of genius in his line". He was a scholar and a poet and an excellent teacher. Bhulabhai was among his

favourite pupils. Years later, Bhulabhai's contemporaries at the Bar were struck by his chaste pronunciation of the language, and, on several occasions, he is known to have addressed public meetings as well as arguments in Urdu. Bhulabhai was also a very able student of history and English. He, now and again, spoke at students' meetings at the college and his contemporaries were struck by the fluency and felicity of his English.

Sir Chimanlal Setalvad records a glimpse of Bhulabhai while he was a young boy studying at college. Sir Chimanlal had visited Jivanji, the father, at his house at Bulsar in 1895 in order to persuade Jivanji to vote for him at the Legislative Council election. Bhulabhai was present at the interview.*

Bhulabhai had a most distinguished university career. He took first class honours in the Intermediate and B.A. examinations. In the latter examination, he gained the Wordsworth Prize and Scholarship by obtaining the highest marks in compulsory history. He also stood first in Roman history and very high in political economy. He read with Professor Macmillan for his M.A. degree, taking up languages. Professor Macmillan, who was then the Acting Principal of the Elphinstone College, writing about him after Bhulabhai had been appointed to a professorship in the Gujarat College, stated that he was "confident that he will prove an excellent teacher in English and History". "He was one of the most intelligent members of the M.A. class and showed a scholarlike earnestness to get to the bottom of everything. His knowledge of the English language and literature will enable him to give excellent lectures on the books prescribed

Recollections and Reflections, Chimanlal H. Setalvad, Padma Publications, Bombay, 1946

for the University Examinations. He has had some experience in teaching as Fellow of this College. During Professor Muller's temporary absence, he took the college classes in History – a task for which he was exceptionally well qualified... Mr. Desai, besides being one of the most successful scholars, has done good service to the College as a member of the Gymkhana Committee and as Vice-President of the Debating Society.”

It is stated that there were some prospects of his obtaining a Government of India scholarship for studies abroad, he having stood second in the B.A. examination. However, about that time, his father fell seriously ill and passed away in the year 1899. Bhulabhai therefore, decided to take to law and accepted an appointment in the Gujarat College in Ahmedabad as Professor of English and History, continuing his studies for his L.L.B. examination.

Before Bhulabhai joined the college as professor, information had already reached the students of the college that a young man, who had graduated in arts and taken his Master's degree with first class honours in English and literature, was joining as a professor in the college. All the students were naturally full of curiosity. Bhulabhai was of medium height and of slight build and had an impressive presence. According to the recollection of one of the students who attended the first period taken by him, as soon as Bhulabhai entered the class with a book in his hand and mounted the platform for delivering his lecture, there arose the sounds of pencil rattling and desk thumping and feet shuffling and paper a rows began to fly in full strength in the lecture room. Bhulabhai stood unruffled, looked at the class, paused for a second and then said in a firm and dignified tone which could be heard by all the students in the class: “Friends,

I wish to treat you as gentlemen and I expect you to treat me in the same manner.” The students who were expecting a roar of anger or a mild remonstrance an appeal to attend to their studies and respect their professor were disappointed. Bhulabhai’s dignified attitude towards the students under provocative circumstances disarmed them completely. Looking at him and realising the implications of his appeal to them, all felt sorry about the attitude they had adopted and quietly opened their text books hearing him patiently and with attention. The news of this episode spread throughout the college and thereafter every lecture of Bhulabhai was attended by the students in pin-drop silence.

One of his students records his impression of Bhulabhai as a professor in these words: “Once Bhulabhai opened his lips, a fast and forceful flow of words would come out resembling the flow of a rapidly rushing river. He spoke without effort. He made no show of eloquence but what he said captivated his audience. In his lectures he did not confine himself to the prescribed texts. It was a real treat and education to listen to his discourses – so superb was his command over the English language, so perfect was his delivery, so wide was the range of thoughts, so thorough was his mastery over the subject.”

The author had the privilege for a few months to receive teaching in English from Bhulabhai at the Gujarat College. Apart from being an able and inspiring teacher, he took a great deal of personal interest in each of the students, asking him to write essays on different topics, examining him individually and making suggestions to him for further reading and study.

As was frequent in those days, Bhulabhai was married while still at school, in 1892 at about the age of 15 to Ichhaben. Initially, while he was a professor, he lived in the

home of a distinguished Anavil Brahmin. Bhimbhai Kirparam, who held high government office in Gujarat and had his headquarters at Ahmedabad. Later Bhulabhai and his young wife set up house at Ahmedabad, which was open on many an occasion to students in indigent circumstances. Living in the neighbourhood of Bhimbhai Kirparam, the young professor and his wife led a happy existence. For Ichhaben, these were very happy days as Bhulabhai had not yet become the busy lawyer that he became very soon later.

When not engaged in his work, Bhulabhai devoted himself to general reading on various subjects. At times he would spend his evening in the company of a few congenial friends. One of these was Professor Anandshankar Dhruva, his colleague and a great Sanskrit scholar. Professor Dhruva was greatly impressed by Bhulabhai's intellectual equipment. He persuaded Bhulabhai to contribute in Gujarati to a magazine 'Vasant' which he used to edit. It was Professor Dhruva who, conscious of Bhulabhai's great intellectual equipment, persuaded him to leave this professorship and take the risk of a career in law in Bombay.

During the three years that Bhulabhai was in Ahmedabad, he passed the L.L.B. examination, and thereafter, worked hard for the Advocates' examination of the Bombay High Court. One of the earliest documents found among his papers is a little note dated the 15th December, 1905 showing his anxiety on the eve of the result of the examination. It states: "Can't be sure as to what will happen—yet a sort of faith that I shall pass." It also indicates that he had found his habits of introspection and self-examination early in life—"Gratefulness I shall maintain to the last for I have received great favour." And a little later—"Except for occasional brilliance there may

not be much in me. I ought to be more industrious for my peace of mind. I ought to control my imagination.”

His faith proved true and he passed the examination. He was enrolled as an Advocate of the Bombay High Court on the 22nd December, 1905. This leads us to the story of his rapid and meteoric rise in his career as a lawyer.

Legal Career

THE atmosphere in the Bombay High Court in the year 1906, when Bhulabhai entered its portals, was very different from that of later years. Indeed, that was a period of transition both for the Bench and the Bar.

As far as *adawluts*, which looked after the administration of justice in the mofussil before the advent of the High Court, were concerned, there had been from early times a miscellaneous body of Indian law agents under different names such as amin, munsif, mukhtiyar, vakil, etc. But, so far as the Supreme Court was concerned, there was no record of any Indian lawyer practicing before it. No doubt, neither the Recorder's Court nor the Supreme Court had appellate jurisdiction over the *adawluts*. Only after the establishment of the High Court, the Sudder Diwani and the Sudder Foujdari Adawluts came to be merged in the Appellate Side of the High Court. Thereafter, vakils or pleaders began to make their appearance in the High Court.

The High Court, as in Calcutta and Madras, functioned on the Appellate Side as well as the Original Side, the Original Side work, being restricted to civil and criminal causes arising in the town and island of Bombay. The Appellate Side Bar, from the earliest days, was almost, if not exclusively, Indian. This was in contrast with the Original Side Bar, which during its early years, was almost exclusively English. Apart from historical reasons, the character of litigation from the mofussil

which came before the Appellate Side of the High Court made it inevitable that it should be dealt with, at any rate, in the first instance by Indian lawyers. The appeals from the districts related mainly to matters like land tenures, caste customs and usages, disputes relating to inheritance, succession and partition among Hindus and Muslims, the decision of which depended upon their laws and usages. The nature of this litigation made it in appropriate to be dealt with by English lawyers. It is true that a substantial part of work on the Appellate Side consisted of criminal appeals and applications, and distinguished barristers practicing on the Original Side appeared to be mostly briefed by the Appellate Side consisted of criminal appeals and applications, and distinguished barristers practicing on the Original Side appeared to be mostly briefed by the Appellate Side lawyers in important criminal appeals from the districts. Similarly, distinguished practitioners on the Original Side were also frequently engaged on the Appellate Side to argue important civil appeals involving large stakes. The English barrister in those days enjoyed in Bombay, as in Calcutta and Madras, a peculiar prestige and weight which naturally drew the litigants to him. It must also be admitted that the Indian Bar was yet in the course of its rise to its full stature which it attained in another twenty or twenty-five years. Nevertheless, by and large, the Appellate Side work was done by Indian lawyers at whose head was the Government Pleader. In those days, the Appellate Side was rich in men of experience and learning – men like Vasudev Jagannath Kirtikar, Ganpat Sadashiv Rao, Daji Abuji Khare and Mahadev Bhaskar Chaubal.

The position on the Original Side was, however, different. Though a few distinguished lawyers like Badruddin Tyabji and Telang had attained distinction in practice on the Original Side before the turn of the century, by far the largest amount of work was done by the European barrister. The European Bar,

undoubtedly, claimed some giants like in verarity, Macpherson, Lowndes and Branson; but there were also a host of others who enjoyed a large practice by reason only of the status which the European barrister then enjoyed on the Original Side. The Bombay litigant had an almost superstitious belief in the efficacy and prowess of 'a barrister,' and would insist on his being briefed in preference to a lawyer who had qualified himself in India. Even the young Indian who had qualified for the Bar in England enjoyed a certain amount of prestige as 'a barrister' in preference to the 'advocate' who had qualified in India. In course of time, the tables were to be turned as it were, and clients would insist on solicitors entrusting their cases to advocates qualified in India in preference to the English barrister who had then lost his hold over the litigant world.

Sir Lawrence Jenkins, who became Chief Justice of Bombay in 1899, greatly encouraged the Indian element in the Bar. Following his advice, some promising and able, young Indian lawyers on the Appellate Side came to be admitted as Advocates on the Original Side under a rule which then prevailed, enabling a pleader practicing on the Appellate Side to cease practice for a year, and, therefore, enroll himself as an Advocate on the Original Side of the High Court. Apart from this avenue to the Original Side Bar open to an Indian lawyer, the High Court held annually a very stiff examination, by passing which Indian lawyers could be admitted to practice as advocates on the Original Side. It was the Advocates' Examination which Bhulabhai passed in 1905 so as to be able to be on the rolls of the Original Side of the Court.

At the time when Bhulabhai was enrolled, the process of the Indianisation of the Bar on the Original Side had commenced. Among the Indians in leading practice on the Original Side at that time were Bahadurji, Padshah, Jinnah

and Chimanlal Setalvad with their distinguished European colleagues like Inverarity Scott, Lowndes, Raikes and Strangman. They constituted a very distinguished Original Side Bar. Two years before 1905, when Bhulabhai joined the Bar, J.B. Kanga had entered the Original Side Bar, and they were, in course of time, to become the twin leading junior members of the Bar on the Original Side.

The Bench in those days was also predominantly British in its composition, Sir Lawrence Jenkins being the Chief Justice. Telang and Badruddin Tyabji had undoubtedly adorned the Original Side Bench before the entry of Bhulabhai to the Bar.

When Bhulabhai entered the Bar, he had, it appears, a few friends among the Gujarati solicitors who helped him to get opportunities of showing his great talent. In a short time, he gathered considerable practice and came to the notice of the then senior men on the Original Side. Apart from his keen intellect and fluency of speech, he had a *bonhomie* and cheerfulness which made him mix with members of the Bar and solicitors and be popular among them. He had also a manner of making himself pleasant when he wished to do so. This quality, undoubtedly, put a great deal of work in his hands when he was a junior. But, as has been said, "friends are not inclined to be generous unless the object of their 'generosity' is sufficiently worthy of it".

A remarkable quality which undoubtedly stood him in very good stead at the Bar in latter years was a trained memory which enabled him to conduct even complicated matters in court without a note. Tradition has it that, when once in his early years he was studying a brief in library and was making elaborate notes, Inverarity, the doyen of the

Original Side Bar, happened to look over his shoulders at the notes he was making. He snatched away the paper, tearing it to bits, and admonished the young advocate never to get into the bad habit of making notes. Inverarity himself hardly ever relied on notes even when addressing a long argument in a civil or criminal case, relying always on his memory. How different are the methods of leading men at the Bar! The author vividly remembers a leading senior member of the Bar completely at sea when opening a matter and pathetically searching for his notes which had been misplaced.

While still a raw junior, Bhulabhai had occasion to help Inverarity in the defence of an accused person who was charged with misappropriation of jewellery and breach of trust. Anupram was a brother of Bhimbhai, who, as we have noticed, was the host to Bhulabhai for a long time in Ahmedabad and a well-wisher, whom Bhulabhai greatly respected. Anupram had for several years served as the Dewan of the Nawab of Surat. Prosecutions were launched against Anupram, charging him, among other things, with the misappropriation of certain jewellery belonging to the Nawab. There were two prosecutions, in one of which Inverarity defended Anupram, while in the other the defence was conducted by Bhulabhai. Anupram's son, Chhotubhai, who had qualified as a solicitor, was very friendly with Bhulabhai, and it was at this instance that Bhulabhai had gone down to Surat to defend a member of the family with whom he had lived for some years in Ahmedabad. The prosecution in which Bhulabhai defended Anupram was in respect of a diamond ring valued at Rs. 2,000, which, it was alleged, was in the possession of Anupram on behalf of the Nawab. The difficulty of the defence was increased by the production of a postcard written by Anupram to the Nawab,

which acknowledged that the ring was in his possession and that he would hold it, as instructed. There was no further communication from Anupram to the Nawab in reference to the ring, and, though it was a criminal trial, he would naturally have to explain what had happened to the ring. The fact appeared to have been that the ring had been utilised by Anupram, under the instructions of the Nawab, for a corrupt purpose in reference to a British civilian official. The true story of the use of the ring for a corrupt purpose could not, however be revealed by Anupram to the court. Notwithstanding the difficulties of the defence, Bhulabhai, who addressed the court for a whole day, succeeded in obtaining an acquittal of the accused. This was naturally regarded as a very creditable performance for a civil lawyer of two years standing.

A more interesting and very unusual matter in which Bhulabhai appeared when he was still a junior of three years' standing was the case of *Haji Bibi vs. The Agha Khan*. The first defendant was the well known religious head, the Agha Khan, who was worshipped by a section of the Khoja Muslims who inhabited a part of the province of Bombay and Sind. The Suit was brought against the Agha Khan and some of his relations by Haji Bibi, the widowed daughter of an uncle of the Agha Khan. She claimed a share in the estate of the first Agha Khan which had been inherited by the defendant, the third Agha Khan, and, for the purpose, she prayed for setting aside a certain release which had been passed by the Administrator of the deceased uncle in favour of the defendant Agha Khan, whereby all claims of the estate of the uncle against the Agha Khan, were released. She, as well as some of the other defendants who supported her, contended that the voluntary

offerings made by the Khoja followers of the Agha Khan to him were made nor for the personal use of the Agha Khan alone, but for the benefit of members of the Agha Khan family. It was further urged that the Agha Khan was bound, as a matter of legal obligation, to maintain all his relations out of such offerings and that the first and second Agha Khans who had preceded the first defendant in that office had so maintained their relations. It was also urged that the Khoja followers of the Agha Khan, from the date of their conversion to Islam, had always been believers in the twelve Imams, and not the forty-eight Imams. Finally it was contended that the release executed by the Administrator of the estate of the uncle in favour of the Agha Khan was fraudulent and collusive and was a sham transaction.

Both sides in the case were represented by a galaxy of brilliant legal luminaries. The lady, the plaintiff, was represented by Bahadurji, Chimanlal Setalvad and Bhulabhai. The Agha Khan was represented by Inverarity, Lowndes and Raikes. As many as 138 points were raised for decision by way of issues, and, in the words of Mr. Justice Russell, before whom the case was heard, "the suit itself has attained the distinction of having taken up the largest time on record in these Courts". Colour was lent to the litigation by the personalities involved and there was always an under-current of religious tension because of the question of faith raised in the case. The case was, for a number of days, conducted by Bahadurji, the senior counsel for the plaintiff; but later, the senior counsel left the conduct of the case of Bhulabhai. The case then took a very curious turn, which led to the retirement from the case of counsel for the plaintiff and of the defendants who supported her. What happened may be described in the words of Mr. Justice Russel:

It is necessary for me to explain the circumstances under which the counsel for the plaintiff and those defendants who were supporting her retired from the case. At the beginning of the case, to my astonishment, it was suggested by plaintiff's counsel that I should not try the case, as I was, what he termed, a friend of the Agha Khans. Inverarity replied that, in that respect, I was in no different position, probably, from all the other Judges in Bombay. I said that I had exchanged calls with the Agha Khan and had dined twice with him and had asked him to dinner and he had not been able to come. This incident determined me to allow all the possible latitude. I could to the plaintiff and the defendants who supported her in putting their case before me, for, it occurred to me not unlikely that her counsel might retire from the case and insinuations might, and would, be made against me during its course. This conjecture of mine was confirmed as the case proceeded. During the examination of the witnesses on commission, questions were constantly put to them, against which they protested on the ground that their religious feelings were being offended. During the progress of the trial, it was notified to me that, if similar questions were put to the witnesses in this Court, and then, with the answers to them published in the newspapers, there would probably be an outburst of hostility between the Mohammedan communities in Bombay. When defendant I (Agha Khan III) was being cross-examined, a question was put to him, which was couched..... to my mind in terms calculated to cause excitement and animosity. There was really no need to put the question to defendant I in any such terms, as they had already answered it in the answers

to the interrogatories. There was absolutely no need to put it in the terms in which it was put. I pointed that out to the counsel who was cross-examining defendant I. But he insisted on putting the question, as at first; and defendant I answered it. I then intimated that, if similar questions were to be put, I should clear the Court. The question was on the same point, and I at once ordered the Court to be cleared. The Court, which was crowded with Mohammedans – in fact, more crowded than I had ever seen in any case – was cleared. While the Court was being cleared, I asked counsel for defendant I and plaintiff to come up to me and explained to them my reasons for ordering the Court to be cleared. They returned to their seats, and, after the Court had been cleared, plaintiff's counsel said that, under the circumstances, he had instructions not to proceed with the case. His instructions were not to proceed with the case if it was not fully reported, as the plaintiff's case was that his client fully realised the importance of this step. Thereupon, he and the counsel engaged for defendants who supported the plaintiff's case withdrew. This action on their part confirmed me in the opinion I had formed many days before they retired, *viz.*, that they were riding for a fall'. In my opinion, just as when in every case in which unpleasant details are likely to be discussed (*e.g.* criminal or divorce cases) the Judge is entitled to order the Court to be cleared, so, in India, when the evidence in any case if published in the daily papers, is likely to arouse religious or political disquiet, the Judge is entitled, if not bound, to exclude the general body of the public and decline to let the evidence be published.

A further surprising turn in the case was the request of Inverarity, Agha Khan's counsel, to be permitted to continue the case, notwithstanding the withdrawal of the plaintiff and those who supported her. He contended that the court had power, notwithstanding the withdrawal, to decide the case on the merits and upon the evidence that had been brought before the court. The court, thereafter, delivered a very lengthy judgment, going through the evidence in detail, and decided that the offering made to the Agha Khan for the time being by his followers were intended by them for his own personal use and benefit and were his absolute property. It further held that the members of the family had no right to be maintained by the Agha Khan. The court also rejected the contentions made by the plaintiff as to the true faith of the Agha Khan and his followers. The release attacked by the plaintiff as having been fraudulently executed was held to be a bona fide, valid transaction in the nature of a family arrangement.

Thus ended in a dramatic manner the trial of a prolonged civil suit, which can be characterised, perhaps, as the first important and sensational civil matter which Bhulabhai conducted. It is remarkable that a counsel so junior at the Bar as Bhulabhai should have been able to obtain such an opportunity at the Bar. His growing forensic talent made the best of this opportunity and it would be correct to say that, thereafter, Bhulabhai's legal career was an every rising triumphal march.

The year 1908 marks an important event in the lives of Bhulabhai and Ichhaben. In that year, a son was born to them who later came to be known as Dhirubhai. Like Bhulabhai, he was the only child of his parents. Those were happy years still for Ichhaben. Most busy lawyers are, as it

were, lost to their families – always troubled by clients and immersed in their work. But Bhulabhai had not yet grown to that stature in the profession. Not seldom in later years was Ichhaben twitted by her friends at having only one child. Her answer was that that was the family tradition; and she would add a remark truly characteristic of her: “The popular belief is,” she would say, “that the noble lion tribe has generally but one offspring!”

It would be interesting to compare the two rising young members of the Bombay Bar – Kanga and Desai. They were the leading juniors in those days in point of volume and variety of work. Both had passed the Advocates’ examination on the Original Side, which was in those days a very rigorous test, Kanga having passed it in 1903 and Bhulabhai in 1905. Kanga had a very clear head and a marvelous memory for case-law. Bhulabhai relied more on a mastery of legal principles than a knowledge of decided cases. Kanga had a direct approach to all legal problems. Bhulabhai had a more subtle and perhaps, a quicker mind which made, in many cases, his approach to questions circuitous and somewhat complicated. Kanga’s manner of speech and address was in the beginning halting. Indeed, in early days, he failed to impress one as a forceful advocate; but, later, his address and speech were more fluent, and what he lacked in the felicity of expression was made up by him from his wide and deep knowledge of legal principles drawn from case-law. Bhulabhai, from the very early days, had a wonderful command over expression and language, and he was, indeed, on occasion, strikingly eloquent in addressing an argument. But, in later years, for reasons it is difficult to perceive, his delivery and statement of legal principles became involved and, sometimes, difficult to follow. Perhaps,

the greatest quality of Bhulabhai as an advocate was his persuasive manner. His method was not that of a direct attempt to grapple with the Judge's mind. He would attempt slowly to make his point receding oftentimes at the Judge expressing a different view and returning later to the attack in a manner and language different from that previously adopted by him. Indeed, so great were his powers of persuasion that the author had heard Judges say that, at Bhulabhai was appearing before them in a particular case, they would have to be very careful and scan all the steps in the argument, lest they be drawn by his persuasive manner and language to erroneous conclusions.

Kanga and Bhulabhai both put in very hard work at the Bar. As Advocates, they were both fair and reasonable, pleasant and helpful both as colleagues and even as opponents. A characteristic quality which marked both of them was their readiness to compromise matters and shorten litigation wherever a reasonable compromise was possible. Needless to state that both commanded the confidence of the litigating public in an unusual degree, and, whether appearing together or as opponents, they worked in complete harmony, being close friends.

It was said in 1928 that Bhulabhai's rise at the Bar was phenomenally quick, and, at the relatively young age of seven years at the Bar, he was able to boast of a chamber which had attracted to itself several juniors who are to-day knocking at the portals of the inner sanctum of the Seniors for admission into that charmed 'circle'. In 1913 and even earlier, Bhulabhai gathered around him in his chambers a number of juniors who themselves later did well at the Bar. Among them were the author, K.M. Munshi, M.V. Desai, and, after Kanga had been appointed to the Bench, H.J. Kania.

Did Bhulabhai take a real interest in the juniors training under him in his chambers? His evenings, when the juniors used to attend his chamber, were so crowded and busy that rarely had the junior any chance of attending or profiting from conferences held by Bhulabhai. The usual method he adopted was to give each of the juniors reading with him either a drafting or an opinion brief to work at. The junior would, of course, assiduously apply himself to it, prepare the draft pleading or the draft opinion and return it to the senior in due course. I do not think that these drafts or draft opinions were ever helpful to the senior. In any case, it was rarely that the senior talked to the junior about these drafts or gave him any advice in reference to them. Nor did any point of view suggested by the junior receive encouragement. He had, apart from his keen intellect such an overpowering sense of confidence in the soundness of his own view that rarely did merit or intellect in those who read with him find recognition at his hands. It was interesting to watch how, occasionally, he dealt most harshly and unceremoniously not only with some of the juniors who read with him, but also with the solicitors who held conferences with him and took his advice. Notwithstanding this overweening belief in the soundness of his own point of view and the little attention which his juniors received from him in respect of the work done by them, there was no doubt that the mere fact of being in his chambers with its vast variety of briefs which one could study, gave the juniors a training and education which helped everyone of them. The careers which most of those who read in his chambers were able to make for themselves at the Bar and elsewhere, undoubtedly, were the result in no small measure of their having read in the chambers of a senior who was, perhaps, for years, the busiest counsel on the Original Side of the Bombay High Court.

An interesting incident happened to Bhulabhai early in his career. Notwithstanding the immense strain of work, Bhulabhai used to take in the lunch break of the court his tea in the common room, talking away with friends or discussing the part-heard matter with his junior or solicitor. Having returned from the court room, he would keep his turban and gown on a table in the common room. In those days, almost all prominent Indian practitioners on the Original Side used to carry on their heads, besides the weight of their learning, the added burden of an imposing headgear. Chimanlal Setalvad, who used once to wear a red pugree, had discarded it for some time and began to dress in the English costume. Bhulabhai used, however, still to wear a flaming red pugree known as the Chakri worn by persons from Maharashtra. This was due to the fact that Bulsar and the neighbouring parts of Gujrat from which Bhulabhai came, were, for a considerable time, under the influence of the Maharastras. By 1914-15 as the Indian element on the Original Side Bar began to grow in importance and displaced the leading European barristers, most of the Indians began to discard this distinguishing headgear of their Indian costume. Bahadurji, Taleyarkhan and Chimanlal Setalvad doffed their black or red turbans along with their long coats. But Kanga and Bhulabhai persisted – Bhulabhai, particularly, in spite of repeated pressure from Chimanlal Setalvad, with whom he was very friendly. “One day, in a moment of impish inspiration, Chimanlal Setalvad, prompted by a puck of mischief within him, purloined Bhulabhai’s turban while he was away washing his face, leaving the turban in the Bar common room, and carried it away to his chambers. As luck would have it, Bhulabhai was on his legs before Mr. Justice Marten, a rigid formalist and strict disciplinarian and meticulously particular about correct forensic costume.

Failing to find his turban, Bhulabhai, in his distress, rushed to Marten's chamber and apprised the Judge of the sudden calamity. Marten relented, looking upon the loss as an act of God, against which there was no remedy. This incident reconciled Bhulabhai to the compulsory transformation of his exterior. Kanga persisted to the last with his white turban, and Mulla with his black.”*

Probably, it were the years at the end of the First World War in 1918 and 1919 that brought both Kanga and Bhulabhai to the fore in Original Side practice. With the rise and fall in cloth prices which followed the close of the war, textiles became the subject of speculation and cloth bales were sold from dealer to dealer at rising prices. When there came a crash in the market at the close of the war, some of the contracting parties declined to carry out their obligations and a large number of commercial causes came to be filed in the High Court. These were heard by Chief Justice Macleod, and, as many as 20 to 30 commercial causes would be disposed of in a day by the learned Chief Justice. Those were exceptional times which perhaps needed exceptional methods of disposal. That could be the only excuse for the rough and ready manner in which the Chief Justice disposed of such a large volume of work in the course of a day. Anyhow, this hurricane disposal of matters yielded a rich harvest to Kanga and Bhulabhai who appeared against each other in most of these cases.

However, it would be correct to say that Bhulabhai soon outstripped Kanga and had, perhaps, for years, the largest and

**Bhulabhai Jawanji Desai, 'P.B.'* – a short sketch written in January 1955

most lucrative practice at the Bombay Bar. Not infrequently, he had the unique distinction of being briefed in almost all chamber summons which constituted the Board of the Chamber Judge for the day, and, frequently, he handled in a day as many as thirty to forty miscellaneous matters of all sorts like show causes, motions and other applications. In those days, the Original Side used to be closed on Wednesdays in midweek. Advantage was taken of this off-day on the Original Side by leading counsel to take up work on the Appellate Side. It was not uncommon for Bhulabhai to handle as many as a dozen appeals on the Appellate Side during the course of a Wednesday.

To keep pace with the huge volume of work Bhulabhai resorted to a device. In those days, the Original Side rules permitted a counsel to hold a brief for another counsel and conduct the matter on behalf of that counsel. Bhulabhai had a number of efficient juniors reading with him. He, therefore, cheerfully accepted briefs in different courts, hoping that things would adjust themselves and that he would be able to attend to his numerous briefs in different courts. In the result, what really happened was that, whereas he would be engaged in one court, two or three of the juniors reading with him would be working his brief in other courts. This practice which was resorted to for a fairly long period of time enabled him to earn fees simultaneously in different courts through matters which were worked by his juniors. This practice of working the senior's brief was, following the English phraseology, called 'devilling'. Large hearted as he was in many matters, curiously, none of these juniors, who worked all these briefs for him, was remunerated for the work he did for him. They, of course, worked willingly for their senior, as it gave them experience of work and the

hear of the court. The rich harvest which Bhulabhai reaped in this manner by methods which were not quite correct, naturally excited the envy of many members of the Bar, who had attained a certain standing and hoped to get work which would be released if Bhulabhai did not accept briefs in different courts indiscriminately. The result was a move in the Bar Association, leveling a charge against Bhulabhai and his juniors, which alleged that they were working in partnership and sharing the fees and were therefore, guilty of unprofessional conduct. A committee was appointed by the Association, consisting of the then Advocate-General (Sir Thomas Strangman), Bahadurji and Koyaji to hold an enquiry into the allegations. The allegation of a partnership was obviously unsustainable, and the Enquiry Committee reported against the charge leveled. But the abuse of the rule enabling briefs to be held resulted in the rule being abrogated, so that, thereafter, juniors could not hold briefs for their seniors. The change undoubtedly helped those who were waiting for work, inasmuch briefs which were formerly held for Bhulabhai by his juniors, came to be delivered to others with some experience and practice. No doubt, there was an unjustified abuse of the rule which had to be remedied; but the total discontinuance of the rule was harmful to the Bar as a whole, inasmuch as it deprived juniors reading with their seniors of opportunities, on occasions, of appearing for them. This manner of dealing with his work rightly exposed Bhulabhai to the criticism of taking up work which he could not attend to, with a view to unjustifiably increase his income at the Bar.

A very sensational case, in which a solicitor was concerned and which agitated the Bombay public for months, was a suit for damages for libel filed by Surajmal

B. Mehta, a solicitor, against B.G. Horniman, a very popular Englishman, who had identified himself in public life with the cause of India. Horniman was the editor of the *Bombay Chronicle*, a daily paper, which espoused the national cause. Bhulabhai appeared in the case as a junior, and he was led by Bahadurji and Chimanlal Setalvad.

The suit was filed by Surajmal, claiming Rs. 25,000 as damages for defamation alleged to have been committed by the publication of two articles in the *Bombay Chronicle* which charged Surajmal with unprofessional conduct. Surajmal had a client named. Tatia Saheb Holkar. One Haji Ahmed Haji Hassan Dada had agreed to buy property from Tatia Saheb who had, however, already agreed previously to sell it to another party who had successfully sued him for specific performance. In the suit for specific performance which had succeeded against Tatia Saheb, Surajmal was Tatia Saheb's solicitor. The article alleged that Surajmal had thereafter instigated Dada to file a suit against his own client, Tatia Saheb, for damages, assuring him that he, as Tatia's solicitor, would use his influence to procure for Dada Rs. 20,000 or Rs. 25,000 by way of damages, out of which Dada should pay him (Surajmal) Rs. 3,000. Dada having agreed to this fraudulent arrangement, Surajmal induced him to pass a promissory note for Rs. 3,000 in favour of his (Surajmal's) clerk who was getting a salary of Rs. 100 per month. Surajmal, being a solicitor, did not want the note to be drawn in his favour, and the clerk was supposed to be a nominee of Surajmal in respect of the promissory note. Dada's suit against Tatia Saheb came eventually to be settled for Rs. 9,000. Thereupon, Surajmal demanded the amount of Rs. 3,000, the subject matter of the promissory note, from Dada. Dada refused to pay the amount to him, as what he

had recovered in the suit was much less than Rs. 20,000. In the meantime, Surajmal's clerk in whose favour the promissory note for Rs. 3,000 had been passed, had died. Surajmal thereupon arranged that Letters of Administration to the estate of the deceased clerk should be obtained by the clerk's brother. After letters of Administration were obtained, Surajmal induced the brother of the clerk to file a suit against Dada on the promissory note for Rs. 3,000, seeking to recover the amount as the Administrator of his deceased brother. Dada's defence to the suit was that there was no consideration for the promissory note, which, according to him, had been passed in the circumstances stated above.

The suit was heard by Mr. Justice Davar. The clerk having died, the brother could give no evidence on the question of consideration which was in issue. Two witnesses were called to prove the consideration; but they failed to impress the court. Thereupon, Surajmal himself gave evidence in support of the claim on the promissory note. He was severely cross-examined by Dada's counsel and created a very unfavourable impression as a witness. Dada's allegation that Surajmal had himself instigated Dada to file a suit against his own client. (Tatia Saheb) was put to him in cross-examination. His answers to these and other suggestions made to him were unsatisfactory. While Surajmal was still under cross-examination, the clerk's brother who was the plaintiff in the suit suddenly applied for its withdrawal, agreeing to pay the defendant's costs. Surajmal, against whom these serious allegations had been made, made no protest against the withdrawal of the suit in this sudden manner; nor did he apply to the court that steps be directed to be taken to give him an opportunity to clear his professional character. Justice Davar,

before whom the trial had proceeded, observed that the plaintiff had adopted “a very wise course” in withdrawing his suit.

Soon thereafter, the *Bombay Chronicle* published an article under the caption “A Solicitor and His Client”. It stated:

The bare recital of the main allegation of the defendant (Dada) is sufficient to reveal very grave misconduct on the part of a solicitor (Surajmal) if allegations were well-founded. That plaintiff was merely a creature of Surajmal admits of little doubt. And that Surajmal should be content to have the case withdrawn and the very ugly allegations against him left unrefuted is a matter which demands further enquiry. If the charge that he deliberately instigated one of his clients to bring an action for damages against another of his clients, sending him to another solicitor for the purpose and then arranging a settlement over the solicitor’s head, were true, then, it is perfectly clear that Mr. Surajmal would not be a suitable person for the practice of the honourable profession of a solicitor.

In a later article, further detailed comments were made on the conduct of Surajmal in reference to the suits filed by Dada and the brother of the deceased clerk of Surajmal.

Surajmal alleged, in his libel suit against Horniman, that the articles had insinuated that he had been guilty of dishonourable and improper conduct as a solicitor and that he was, in the circumstances, entitled to be awarded the damages claimed by him. Horniman’s defence was that the articles were not libelous; they were fair and accurate reports of facts published *bona fide*, without malice and in the public interest.

The suit was heard by Justice Macleod. It appeared in the evidence led in the libel suit that Horniman had gathered information in connection with the facts stated in the articles from a former managing clerk of Surajmal who was then on hostile terms with him. He had also obtained some papers in connection with the earlier proceedings from the managing clerk.

The procedure adopted by Horniman, in the words of Justice Beoman, who was concerned with the ultimate stage of the trial, appears to have affronted the sense of justice of Justice Macleod “by the twin facts of Horniman having consulted Surajmal’s enemy, after which he could not be impartial”. Justice Macleod held that Horniman had misstated the facts and that there was no material from which a person could reasonably infer that the brother of the deceased clerk who had filed a suit on the promissory note was a nominee of Surajmal. The learned Judge described the impugned articles as “a flagrant instance of trial by a newspaper under the guise of fair comment”. As regards Horniman’s comment that a further enquiry was necessary, the Judge observed: “What need of further enquiry? Mr. Horniman had conducted the enquiry. The accused had been convicted in absentia.” The trial before Justice Macleod and its later stages aroused a great deal of public feeling, part of which was undoubtedly traceable to the bitter feelings in the European community engendered by Horniman’s espousal of the Indian cause in the columns of the *Bombay Chronicle*.

Horniman appealed, and the appeal was heard by Chief Justice Scott and Justice Heaton. The Chief Justice took the view that the articles were a fair and honest comment on a matter of public importance. He observed that he could find nothing in the articles to indicate that

the writer was not discussing with care, reason and judgment the position of Surajmal as disclosed in the materials available in perfect good faith. It was, in the circumstances, a fair inference that the plaintiff in the promissory note suit was the creature of Surajmal. Justice Heaton was, however, of the view that the comments were not fair. In his judgment, the article insinuated that Surajmal had committed the serious offence of engineering a false claim which was a grievous thing to say of any man, and atrocious to say of a solicitor. He held that, since neither of these things was true, nor were there valid reasons for saying so, he would conclude that Horniman's comments were neither legitimate nor fair. In writing as he had done, Horniman had eschewed impartiality. "When he becomes a partisan, a journalist takes greater risks, though, no doubt, he writes more interesting matter."

As this was an appeal in an Original Side matter, under the provisions of the Letters Patent, the opinion of the Senior Judge (the Chief Justice) prevailed, and Horniman succeeded in his appeal.

Surajmal thereupon filed a Letters Patent Appeal, and the matter was eventually heard by a Bench, consisting of Justices Batchelor, Beamen and Marten. The Advocate-General Strangman and Dinshaw Mulla appeared for the appellant, Surajmal. Chimanlal Setalvad with Bahadurji and Bhulabhai appeared for the respondent, Horniman. The hearing lasted for a number of days, and excited great public interest. Very full reports, including questions by the members of the Bench and Counsel's answers to them, appeared in the newspaper reports from day to day. On Horniman's side, Bhulabhai rendered valuable assistance to Chimanlal Setalvad who delivered the argument.

In the Letters Patent Appeal, Justice Batchelor was of the view that Horniman's object in writing the articles was not to condemn Surajmal out of hand, but to seek for further investigation into very serious allegations. It was not necessary that the statements of fact should be absolutely true. It is enough if they were substantially true, as in this case. The antecedent probabilities were in Dada's favour; it was obviously unlikely that a rich man like him would borrow a sum of Rs. 3,000 from a solicitor's clerk of very limited means. The circumstances bore, on the face of it, an appearance of being true, as anyone familiar with Indian methods would know. The Judge said: "If I was on the Jury, I should have said that the conclusion drawn by the defendant (Horniman) ought to have been drawn and was, in fact, the only reasonable conclusion open to a disinterested man." Referring to the answers given by Surajmal in cross-examination, the Judge commented: "In plain English, when directly questioned whether he did not do certain thoroughly unprofessional and dishonourable things, plaintiff's only answer is that he cannot remember. Had his conscience been easy, there could have been no tax on his memory. As to the excuse that he was 'frightened by counsel', I do not believe it. That would be a good argument in the case of an illiterate villager; but it is very unlikely to be true of a Bombay Solicitor," About the withdrawal of the suit the Judge said: "I should not hesitate to draw the inference that Surajmal's main anxiety was to escape further cross-examination. So, he made no protest that the charge against him should be withdrawn or investigated."

In a long and analytical judgment, Justice Beamen said that, in his opinion, no fact had been untruly stated that was in any sense material to the comment; upon facts,

truly stated, the comment was fair, and there was, therefore, no libel. He observed that “Dada’s defence revealed Surajmal from first to last as the protagonist in a suitable place of roguery. He must have procured the witnesses who had been called to prove cash payment as consideration for the promissory note. If there was no cash consideration, what consideration was there? The most probable and most reasonable inference to be drawn was that Surajmal was the real plaintiff.” As regards the withdrawal of the suit, Justice Beamen observed that Surajmal must have been consulted before it was withdrawn. The learned Judge ended his judgment thus: “Under rigorous analysis, this (Macleod, J.’s) elaborate and impressive judgment is shown to be devoid of any important or relevant content.”

Justice Marten said: “I regard it as almost inexplicable for any respectable solicitor to behave as Surajmal did in making no protest or appeal whatever either to the Judge or to the Law Society, so that his character might be cleared of the charge of fraud made against him.”

Thus ended these sensational and long-drawn out proceedings, in which Bhulabhai played an important part in about the years 1916 and 1917.

Whereas Kanga stuck exclusively to civil practice Bhulabhai frequently accepted criminal work, and, in some criminal cases, he attained distinction.

The criminal trial in which Bhulabhai defended Collins, maybe noticed here. Though, perhaps, it may be difficult to describe it as a *cause célèbre*, it was, I believe, one of his earliest appearances in a criminal sessions trial in the High Court of Bombay. Kanga, who had then become the Advocate-General of Bombay, led the prosecution. Though himself not a criminal lawyer Kanga looked upon

this excursion of Bhulabhai into the criminal court with some surprise.

The story of Colonel Collins was like a fairy tale. He had won the Distinguished Services Order for excellent work in the Great War, and his only son was educating at Eton at the time of his imprisonment to be hereafter mentioned. Towards the end of 1916, the late Lt. Col. Charles Glen Collins accompanied by two ladies was on a world tour. After touring various countries, the party arrived in India about the beginning of 1917. Travelling on almost a regal scale and living luxuriously, they gave the impression that they were possessed of great financial resources. Rumour had it that, during the months of January-February 1917, they spent over £15,000 in India. Thereafter they seemed to have run short of cash; but, according to the story put forward by Collins in his defence, they still had other ample resources. They purchased pearls and jewellery from three different merchants in Bombay and Delhi. The purchases of jewellery were made on credit payable by drafts which were to fall due at intervals. The party then returned to the United States, by which time the drafts had become payable. The drafts were dishonoured, and a sum of Rs 1,60,000 became due to the three Indian jewellers.

A warrant was issued at the instance of one of the jewellers, and Colonel Collins was arrested at New Orleans in November 1917. Extradition proceedings were instituted and vigorously conducted and these lasted for over five years. The question was contested in a hierarchy of courts in the United States and ultimately, the Supreme Court of the United State decided that the Colonel could be extradited at the request of the Government of India. Collins had been very unlucky. He had been detained in American jails for nearly a thousand days,

during which time the extradition proceedings were continuing. Thereafter, having been brought to India, he remained in custody in Bombay for several months.

The European society in Bombay was greatly agitated, many of them having sympathy for the Colonel who had been brought all the way from the United States for trial to India. Some were antagonistic to him, as he had brought the name of the Britisher into disrepute in India, while others honestly believed that he was an innocent man who had been persecuted. Bhulabhai presented, by all reports a magnificent defence. The court room was crowded, and Lady Lloyd, the wife of the then Governor of Bombay, sat on the right of the presiding Judge to hear Bhulabhai's address to the jury. "Seldom," it is said, "had a Bombay jury heard such a sonorous, eloquent and outright winning address." The ardent defender of the Colonel succeeded in persuading the jury, and the result was an acquittal. The defence had been entrusted by Colonel Collins to a leading firm of European solicitors who had insisted upon entrusting the brief for the defence of the prisoner to Bhulabhai. "On his acquittal, the prisoner instantly sobbed in utter distress and gratitude for what the celebrated defender did for him."*

The Parasnath Hill Case of which an account is available from the junior who appeared with Bhulabhai in that case is interesting as illustrative of Bhulabhai's methods of work as a lawyer. The case arose out of disputes between the two sects of Jains in regard to their rights of worship on Parasnath Hill. The Svetambaries as well as Digambaries go for pilgrimage to this Hill where

**Men and Supermen of Hindustan*, Joachim Alva, Bombay, 1943, pp. 95-96

there are 24 shrines of tonks, and they worship each of them. In 1918, the Svetambaries who had all along been in management of the shrines acquired by purchase the proprietary rights of the Raja of Palgunj and in 1920 they, relying on the rights so acquired, posted sentries and night-watchmen on the top of the Hill and started to erect dwellings for the Jains and for the Pujaris and other temple servants in daily employment on the Hill and also *dharmashalas* and rest-houses for the accommodation of pilgrims. They also proposed to erect a gate on the top of the winding pilgrim-way. The Digambaries objected to the erection of the gate and the putting up of structures on the Hill. They alleged that these interfered with their right of worship on the Hill and would involve according to their tenets a sacrilegious pollution and desecration of the sacred Hill. There was also a dispute as regards the mode of worship. The Svetambaries used to worship the foot prints of the Tirthankaras by putting *tabaks* and other things on the *charans*. The dispute was that the Digambaries were entitled to wash them while Svetambaris asserted that they were not entitled to do so. There was a further dispute regarding some footprints which were newly installed by the Svetambaris. The Subordinate Court at Hazaribagh decided in favour of the plaintiffs (*i.e.* Digambaris), upholding the mode of worship claimed by them and granted an injunction preventing Svetambaris from erecting the structures and the gate. For all practical purposes the Svetambaris had lost their case. They preferred an appeal to the Patna High Court. Bhulabhai was briefed in the appeal in 1928 by the Svetambaris on a very handsome fee. With a view to acquaint himself with the exact situation of the footprints and the tonks on the Hill, he visited Sammer Sikhar and went to the top of the Hill and saw all the tonks and the foot-prints. After his visit to the Hill, he reached Patna on a Saturday. The appeal was fixed for hearing

for the following Monday. Before Bhulabhai left Bombay for Patna he had been given a paper-book which contained the pleadings and the judgment and some documents only. No further material had been supplied to him. Bhulabhai was accompanied by his junior. When he reached Patna, another paper-book containing about 1,000 pages was handed over to him which was a part of the record of the appeal. The decision in the appeal depended on many questions of law and the appreciation of evidence and the application of some relevant provisions of the local Tenancy Act which had also not been supplied to Bhulabhai. When the representatives of Anandji Kalyanji, who acted for the Swetambaris saw him on Saturday evening with documents, Bhulabhai became very angry. All the documents in the appeal ought to have been supplied to him in time, Now there was no time left to study the material carefully. He rebuked the representatives of the Swetambaris in very strong language. The appeal was of very vital importance to the Swetambaris and though he had put his heart into it with a view to win it he found himself greatly handicapped. He had thought of a line which he would take as appellant and now the whole situation was altered by this large additional record thrust upon him at the last moment.

When Bhulabhai had to deal with a difficult situation all of a sudden he felt mentally much oppressed. With a view to do the best he could for the clients he tore off the appeal paper-book containing 1,000 pages giving the portion of it containing the exhibits to his junior who had also studied the case to look at and see which documents were relevant. He kept the important portion of the appeal paper-book for himself. After having looked at the relevant sections of the Tenancy Act he began to apply his mind afresh to the matter. Thereafter he went for a long drive of nearly 15

miles accompanied by his junior. The atmosphere in the car during the drive was very tense and Bhulabhai did not exchange a single word with his junior as all the time he was thinking deeply over the case. He did not have much appetite for his meal that evening and retired early to his room. His junior was also living in the same bungalow occupying another room. At about 1 o'clock in the morning, he knocked at the door of the junior and shouted: "I have got it, I have got it". As a result of intense thinking over all the aspects of the case, he had evolved an argument which he thought would effectively help the client. He wanted to be assured as to whether the argument was a sound one. He rehearsed the whole argument before the junior and asked him whether it was a valid argument. The junior told him that it was a good argument. Said he: "Do not say 'yes', unless you are convinced." On Monday he opened the appeal putting forward the argument he had evolved. After having heard him for three hours the Judges asked him to sit down and called upon his opponent Mr. Pugh, a distinguished barrister of the Calcutta Bar, who appeared with a number of juniors for the Digambaris. Ultimately the appeal was substantially allowed.

The manner in which Bhulabhai dealt with this case shows the intensity with which he cogitated when faced with a difficult situation and the brilliance with which he rose to the occasion, showing himself at his best. His achievement in such cases was remarkable.

When the judgment in the appeal was delivered, Bhulabhai was in London. In a letter to his junior from London, Bhulabhai stated: "I saw Pugh here. He has not yet decided whether he would retire to England. He stated the result of our appeal in an extraordinary way.

He said: I won all the points except one and you won the appeal.”

Another interesting matter with which Bhulabhai dealt also related to a hill – the Hill of Shatrunjaya situated in the erstwhile State of Palitana in Kathiawar. The part he played in this case showed a characteristic of Bhulabhai as counsel – his keenness and continuous effort to bring about a settlement of disputes whenever he thought that the settlement offered was reasonable and in the interests of the client.

On the Hill were situated various temples of antiquity containing deities worshipped by the Svetambaris. The management of these temples had been carried on for many years by the institution styled Anandji Kalyanji who had sanads given to them by the Moghul emperors. Palitana Darbar had become sovereign of this territory long after the grant of the Hill to the Jains. To secure the safety of the pilgrims resorting to the Hills, the Svetambaris agreed to pay a certain annual sum to the Palitana Darbar by way of Rakhopa, that is to say, securing the safety of the pilgrims. Under an agreement between the Jains and the Palitana Darbar through the intervention of the British Government, an amount of Rs. 15,000 was fixed as payable annually to the Darbar for a period of 40 years. The disputes between the Darbar and the Jains were settled through the intervention of the British Government directly but subsequently the view was taken that the Jains should first approach the Darbar for settling the disputes. In 1926, the period of 40 years having expired, the Palitana Darbar applied to the Agent to the Governor-General at Rajkot that the Darbar should be allowed to revert to the system of levying poll tax on the pilgrims. The Jains objected to this and contended that they

were entitled to send their representation direct to the Agent to the Governor-General who could then supply a copy thereof to the Darbar. A long controversy ensued and Mr. Watson, the Agent of the Governor General, entertained the rejoinder directly from the Jain community. He gave a hearing to both the parties. Chimanlal Setalvad appeared for the Jains and Bhulabhai appeared for the Palitana Darbar. Mr. Watson fixed a sum of Rs. 1,00,000 to be paid by the Jain community to the Darbar and he tried to define the relations between the Darbar and the Jains holding that only in very important matters would the Jains have a right to approach the British Government directly. The Jain community appealed to the Governor-General in Council against Mr. Watson's decision and asked for a hearing. Lord Irwin agreed to give such a hearing in Simla in the month of May 1923. At that time Bhulabhai was in Darjeeling enjoying his summer vacation. He was hastily requested by the Darbar to go to Simla to represent. Its case as the Jains were represented by Chimanlal Setalvad. After hearing both sides, Lord Irwin advised the parties to put their heads together and arrive at an agreed settlement. What happened thereafter is stated by Chimanlal Setalvad himself:

I and Bhulabhai Desai after discussion between ourselves came to certain terms which were then explained to the parties who were persuaded to agree to them. The parties, however, were unable to agree regarding the amount of the annual payment to be made by the Jains to the Darbar and it was decided to put all of the agreed terms before Lord Irwin for approval of his Government and to leave it to him to fix the amount of the annual payment. I and Bhulabhai gave to Lord Irwin privately an idea of the amount we both thought would be reasonable to fix. Lord

Irwin fixed the amount we had indicated, viz., Rs. 60,000 per year for a period of forty years. The agreement was signed by the parties and was countersigned by me and Bhulabhai, and Lord Irwin signed it in token of his approval on behalf of his Government.*

By 1927, Bhulabhai had attained a position of eminence as a lawyer all over the country. The course of his achievements as a lawyer covered a period of over 40 years. It is true that he rendered great services to the nation in the political field, and to these, we shall soon direct our attention. Yet, it would not be incorrect to state that the true purpose and fulfillment of his life lay in the field of law. It was in court – whether it be the High Court of Bombay or Madras or Lahore or any of the subordinate courts and tribunals in which he appeared in numerous important matters – that his great battles were fought, and his cogent, lucid and powerful arguments were delivered. Indeed, the closing chapter of his life, to which we shall turn in due course, concerned the trial of a number of Indian patriots, whom, by dint of his unmatched legal talent and forensic eloquence, he saved from the extreme punishment of the law, and, withal, achieved a political victory of great importance for the national cause.

However, notwithstanding the preponderating part played by law, new suits and legal controversies in Bhulabhai's life, it must not be forgotten that the task of the author primarily is to delineate him as a Builder of Modern India. He must, therefore, content himself with dealing but briefly with the arena of his legal activities and devote the bulk of his pages to an account of the services rendered by him to the Nation.

**Recollection and Reflections*, Chimanlal H. Setalved, p. 504

Yet, this chapter dealing mainly with his legal career would be incomplete if it did not advert to Bhulabhai as he was known and thought of by lawyers in whose midst he worked most of the years of his active life.

His contemporaries and juniors at the Bar have attempted in various ways to explain his phenomenal success in the profession. He is described as having “a powerful intellect, amazingly quick grasp and immense capacity for work”. It has been said that “he overshadowed all his colleagues in advocacy”. Even an unfavourable critic has to concede that “as a lawyer, Bhulabhai displayed great keenness of intellect which often rises to the height of brilliance”. A Chief Justice, who knew him well, has stated: “The late Bhulabhai J. Desai, with his keen brain, persuasive address and skill in selecting the right points to argue, would, I am sure, have held his own in any company.” Others have referred to his “subtle intellect, a great gift of language and a wonderful memory”. A junior in his chambers speaks of his having a razor-sharp intellect and refers to him as “a hard-working, subtle, clever....and most persuasive counsel at the Bar”.

The author who appeared with him in a number of matters, and, later, also in many cases against him, would point to the qualities which, above all, led him to attain his great position at the Bar. Hard-working he undoubtedly was; but, that virtue is, perhaps, possessed by most who succeed at the Bar, being a *sine qua nan* of success. Knowledge of law and legal principles is, of course, important to a lawyer, and most successful lawyers have it in a great degree. But, what marked Bhulabhai out from others was, I think, the keenness of his intellect and the persuasiveness of his manner and language. He fully appreciated the supreme duty of the advocate which is to grapple with the judicial mind and try to bend it to

the view that he is propounding. His keen intellect and agile brain not only kept pace with the working of the mind of the judge, as gathered from his manner, look and speech, but anticipated, in many ways, the judge's thinking. These put him at an advantage in perceiving the way in which the judge's mind was working in advance of the formulation by the judge of his thoughts, and he would be ready in his felicitous language to meet the judge's point of view and solve any difficulties the judge may happy to feel in accepting the view put forward by him. In dealing with the judge's mind, he would avoid all rigidity and try to suit his argument, for the time being at any rate, to the bent of the judge's thought by modifying the propositions he was advancing. Having succeeded in carrying the judge along the modified view so put forward by him, he would sometimes, in an indirect manner, take a further step forward and regain with the judge the ground which he had, for the time being, conceded to the judge. The modifications and concessions he would make would be in different directions and of a large variety, so that his avenues of carrying conviction to the judge's mind would be numerous. Many a time resorting to this characteristic method of advocacy, he could eventually bring round the judge to a point of view almost directly opposite to the one with which the judge had started in the course of the argument. This was what is repeatedly described by those who watched him argue to be his persuasive manner as an advocate.

Could it be said, with his large practice dealing with numerous fields of law, including on occasion some of its most abstruse branches, that Bhulabhai had specialized in or obtained mastery over one or more departments of legal learning? The answer must be emphatically in the negative.

His greatness as an advocate lay in his clarity of mind and sharpness of intellect which enabled him to perceive the different sides and shades of a legal question with intense perspicacity, so that, once he had applied his mind to a legal problem, it made little difference to him to which department of law the problem appertained. Probably, it was the variety of topics which he had to study and handle in the course of his varied and extensive practice that continually sharpened the edges of his mind which could, as it were, quickly unravel problems of different shapes and complexity.

An anecdote from an authentic source tells us to what Bhulabhai himself attributed his great success as an advocate. A young advocate, a friend of Bhulabhai, dazzled by his brilliant advocacy and his power of persuasion, asked Bhulabhai how he was able to reach his greatness. Bhulabhai replied: "My dear friend, it is true that I put my heart in my case with all my ability and industry which I can command. But take it from me that in the ultimate analysis all this is in a large measure due to my natural endowment which I am utilising to the utmost."

With all the work that he did, he could find time for relaxation and even amusement and light talk. In the busy years of 1918 and 1919, during the heavy commercial litigation which followed the close of the Great War, he would, after the close of consultations in his chamber at about 7.30 p.m., meet a few solicitor and barrister friends at a restaurant before proceeding homewards. That was a place called Mongeni's in the Fort area, where Kanga, Bhulabhai, Taraporevala and, occasionally, others met and discussed the events of the day over a drink.

As in the case of most others, opinions have varied as to the effect success at the Bar had on Bhulabhai. A

member of the Bar, who was by no means a kind critic of Bhulabhai, described the change in Bhulabhai after he had become a leader of the Bar. He said:

If one of those 'giants' of hallowed memory, who were the leaders of this Bar ten or fifteen years ago...were to come back to his old field of activity, he would find it certainly difficult, if not impossible, to recognise in the bare-handed, smartly tailored, lour, loquacious and occasionally defiant 'butterfly' leader, the turban-capped, quietly dressed, rather mild and certainly meek young junior, whom they were getting accustomed to hearing and seeing quite a lot in Court..... The effect of the change, however, has made him – to use a paradox – at once less and more human. It has helped him to develop a distinct, if assertive, individuality, which has brought into wake personal vanity, which is merely one of the manifestations of that love of distinction which is satisfied not merely by the achievement of such distinction, but also demands, as homage and tribute, the flattering recognition of that distinction by others. Vanity has been the last failing of the greatest, and, speaking frivolously, one wonders if the vanity of Bhulabhai is definitely assumed (for, he is nothing, if not thorough) in order to make sure that he is not lacking in this inevitable accompaniment of greatness. He has become less human in the sense that one suspects of a deliberate attempt to suppress some of the finer sensibilities for the fear that their frank expression is indulged in and tolerated by the weak alone... He has been developing a dual personality, one as he is and which is revealed to but few, and the other which he pretends to be to the world in general. Highly strung, imaginative and sensitive in the extreme, he

delights in attempting to pass off as a hardened matter-of-fact man of the world.*

This was a picture of him presented in 1928, when his success at the Bar was complete.

The author, close to Bhulabhai for many years, perhaps, could not fix his gaze upon him in so critical a manner. No doubt, on occasion, he did love bravado and attempted to play the hero. It is true that, very many times, imagination did play a powerful role in the description of the battles he had fought. He undoubtedly had an overpowering consciousness of his great capacities in different fields and was rarely persuaded that he was wrong. Nevertheless, this exterior, part of his usual self or assumed by him, covered a very human and kind personality which possessed extreme sensibility and a deep and generous sympathy for those in difficulties and distress.

**Our Bar – Bhulabhai Jivaji Desai*, Purushotamdas Trikamdas Bombay Law Journal', 1928

Early Excursions into Politics

IT has been said of Bhulabhai that, though ‘essentially a Moderate, he blossomed into an ardent Congressite, but refused to become an Extremist’.* His initial efforts in the political field were somewhat slow and hesitant.

It has been said that Chimanlal Setalvad, who has been described as his “Guru Guide, Philosopher and Friend”, “ultimately dragged Desai into Politics”. This would hardly seem to be accurate. It appears that Bhulabhai’s first essay into politics was in connection with the Home Rule League Movement, of which Mrs. Annie Besant was the prime mover. It is not known what attracted him to it. Probably, it was due to his solicitor friend Chhotubhai Vakil who was a keen worker in the cause and whom the author remembers taking an active part in the movement.

The movement brought on a common platform a large number of persons with divergent political views. In 1918, the British Government were making determined efforts to obtain the co-operation of all Indian leaders in order to obtain recruits for the Army and to intensify the war effort. The Indian demand for a larger share in the Government was being ignored, and all that was vouchsafed was a promise to consider the situation – a precursor to legislation which ultimately reopened into the Government of India Act, 1919.

**Men and Supermen of Hindustan*, p. 104

The Home Rule League Movement brought together men like Tilak, Jinnah, Jayakar and Horniman; Bhulabhai was, for a time, an active member of the Home Rule League.

Annie Besant had, in those years, become “the idol of the nationalists in India. In a public lecture under the joint auspices of the Home Rule League on the 10th June, 1918, she maintained that nothing short of the Congress League system would satisfy India. Even as late as the 3rd August, 1918, she said that the Montford report established the continuance of the ‘machinery of Autocracy’ in India with shreds and patches of local freedom.”

The 10th June, 1918 issue of the *Bombay Chronicle* (which, as we have seen, was a liberal daily edited by the Englishman, Horniman) gives an interesting glimpse of the point of the view of the Home Rule Leaguers. In order to promote the war efforts, there had been formed an Indian Defence Force Committee of which Chimanlal Setalvad was the Chairman, and among the members, was Bhulabhai. In furtherance of this effort the Bombay Provincial War Conference was held at the Town Hall in Bombay on the 9th June, 1918, under the presidentship of Lord Willingdon, then Governor of Bombay. While anxious to promote the war effort, the Governor was averse to committing himself to a promise of a constitutional advance. In opening the proceedings, he observed: “Eager and anxious as I am to feel assured of an entirely united force to assist me in this campaign, there are a certain number of gentlemen, some of whom have considerable influence with the public, many of them members of the political organisations called the Home Rule League, whose activities have been such of late years that I cannot honestly feel sure of the sincerity of their support until I have come to a clear understanding with them, and have frankly expressed to them all that is in my mind.: He proceeded: “Within the last few weeks, I have

studied with some care the speeches and writings of some of these gentlemen since for Delhi Conference was held, and they have been of such a character that I cannot honestly feel sure of the sincerity of the desire for that unity of effort, that strenuous service which is absolutely necessary to secure the success of our labours. From reading their speeches, the position of those gentlemen seems to be this: 'We quite realise the gravity of the situation. We are all anxious to help; but unless Home Rule is promised within a given number of years and unless various other assurances are given us with regard to other matters, we do not think we can stir the imagination of the people and we cannot hope for a successful issue to the recruiting campaign.' I understand that these gentlemen disclaimed any suggestion that they are trying to make a bargain, and I, of course, accept their disclaimer; but if I have fairly stated their position, I must honestly confess that I don't think their help will be of a very active character." As to the demand for Home Rule within a certain number of years, the Governor observed: "They know very well that the whole question of political reforms is now in the hands of the British Cabinet, and it is quite impossible for the Viceroy or anybody else to give such a promise as they desire."

After the first resolution was moved, the Governor stated that he would not allow any sort of amendment to it. Tilak, who was then called upon to speak, expressed on behalf of himself and all Home Rulers deep loyalty to the King Emperor. The resolution was however, in his view, defective in one respect and he regretted that the rules of procedure did not allow him to move an amendment to the resolution. The Governor thereupon said that, if Tilak wished to move an amendment, he could not allow it as he had stated at the outset. Tilak thereupon said he was not going to move an amendment. He then proceeded to state that co-

operation with the government necessitated certain things. "There could," he said, "be no home defence without Home Rule." Immediately thereupon, the Governor called Tilak to order and said he could not allow any political discussion. Tilak was proceeding with his speech, when the Governor again ruled him out of order, whereupon Tilak left the platform and retired from the meeting. It was N.C. Kelkar's turn to speak next. Before he could speak, the Governor again pointed out that he would not permit any political discussion, and thereupon, Kelkar also retired and walked out of the Conference, accompanied by Horniman and others. Thereafter, it was Jinnah's turn to speak. He said that he was pained, very much pained, that His Excellency should have thought fit to cast doubts on the sincerity and the loyalty of the Home Rule Party and he was very sorry that, with the utmost respect, he must enter his emphatic protest against that view. "The Home Rule Party was as sincere and as anxious as anyone else to help the defence of the motherland and the Empire.... The difference was only regarding the methods." After Karandikar had repudiated the charge of want of loyalty against the Home Rulers, Lord Willingdon, the Governor, intervened. He said that Jinnah had reproached him; but he had no wish to hurt him (Jinnah) and he did not think that he had doubted the loyalty of the Home Rulers. Jinnah asked the Governor to refer to his speech and if he could show that he (Jinnah) was wrong in his interpretation, he would withdraw his protest. The Governor thereupon read the passage from his own speech which bore out Jinnah's words. There was great excitement at the meeting, and a high official shouted to Jinnah. 'Sit down'. Lord Willingdon ended the meeting by stating that the Home Rulers wished to give support to the Government on certain terms. He said that it was a crisis for the

Empire and he hoped that every citizen of the Empire in the Bombay Presidency had a sufficient sense of duty to the Empire. The Conference then terminated. Tilak and others who had left the War Conference then published a statement under the caption: "Lord Willingdon's High-handed Action."

The attitude adopted by Tilak and others who had walked out of the meeting had not evidently met with the approval of Bhulabhai. Some time thereafter, a meeting was to be held regarding the South African question, which was to be presided over by Lord Willingdon, and invitations were sent to four persons representing the Bombay Home Rule League, viz, Jinnah, Jayakar, Bhulabhai and Horniman, to speak on the occasion. At a meeting of the Committee of the Home Rule League, it was decided that, as a protest against the action of Lord Willingdon in not allowing Tilak to speak at the previous meeting, none of the Home Rule League leaders should attend the meeting. Bhulabhai, evidently, disagreed with this view. He resigned his membership of the League and attended the meeting and took part in it. So ended Bhulabhai's short association with the activities of the Home Rule League. Bhulabhai was criticized by Congressmen for this action, the strongest criticism coming from his home-town of Bulsar.

Many years later, 1934, he had occasion to refer to this incident in a speech: "That was what happened in the year 1914 and I am not at all ashamed to acknowledge before you that in the prosecution and furtherance of the same object – I sincerely believed in the Englishman's promise – somewhere about the year 1917 I resigned my place in politics as a member of the Home Rule League in order to stand in the Town Hall by the side of the then Governor, now the Viceroy of India, Lord Willingdon, because he pretended and professed

that the War which was being fought for the freedom of subject races.*

In the course of a few months, Annie Besant's popularity seems to have undergone a change. Though "she had a good following and abundant influence at the Special Congress at Bombay (September 1918), she became a back number at the Delhi Congress (December 1918)". Probably the reason for this change was that though she had continued to support the agitation against the Rowlatt Bill, she did not agree with the manner of Satyagraha advocated against it by Gandhi. Whereas Gandhi advocated disobedience to *any law* which the Satyagraha Committee may choose as a vehicle of protest, she advocated disobedience only of the law as declared in the Rowlatt Bill in such ways as the Committee may direct. "As a matter of fact, Mrs. Besant passed out of Indian politics after 1920. Even the Home Rule League founded by her refused to elect her President and chose Gandhi in her place." The history of freedom in India must, however, recognise that "Mrs. Besant was a dynamic force in Indian politics at a very critical juncture and rendered yeoman's service for the cause of national regeneration in India, both from political and cultural points of view. India can never forget the energy with which she worked to make the idea of Home Rule popular in a large part of India."**

In 1919, the Government conferred a Knighthood on Chimanlal Setalvad, and Bhulabhai wrote to him, warmly congratulating him on the distinction conferred upon him.

* *Speeches of Bhulabhai J. Desai 1934-1938*, G.A. Natesan & Co., Madras, 1938, p. 92

** *History of the Freedom Movement in India*, Volume III, R.C. Majumdar, Calcutta, 1963, pp. 44-45

He said: "The distinction bears, to my mind, a very personal aspect. I have been far removed from you in public life for the reason that I have made comparatively small progress in that direction. But, in the profession and in personal friendship, I claim to stand as near to you as almost anybody I can think of outside your family. I rejoice in the honour as if it was conferred upon me. This is the first instance of a member of the Bar having attained to this position." The statement in the letter that he had made comparatively small progress in public life was a frank statement, for, he had, excepting his short activity in the Home Rule League, taken no part worth the name in public affairs.

Chimanlal Setalvad who was always anxious to induce rising young lawyers to enter public life, though not always with success, made an attempt in 1923 to induce Bhulabhai to take office as an Executive Councillor in the Bombay Government. He was himself a Member of the Executive Council at that time; but he wished to resign the office for personal reasons. It was suggested that Chunilal Mehta, who was then a Minister, should be offered the appointment. Chimanlal Setalvad's view was that 'ministers should be perfectly independent; they should not look forward to any other appointment – practically in the gift of the Governor'. That view was accepted and the Governor agreed that Bhulabhai should be offered the appointment. Chimanlal Setalvad had a message sent to Bhulabhai through the Secretary of State, Lord Peel, in regard to the appointment. The message dated the 22nd May, 1923, communicated to Bhulabhai in London by the India Office, was as follows:

Have reasons to believe that you will probably be asked to take permanent membership of the Executive Council, Bombay. When I spoke to you last about it, you expressed

willingness to act according to my advice and desire in the matter. My deliberate advice and earnest desire is that you should, in public interest, make sacrifice and accept. Will explain when we meet why. I am going out; but, please understand that my resignation is not due to any disagreement with the Government, but to other reasons which need not make you hesitate in the least. Please telegraph affirmative reply and say when you will be able to start. Try best to join as early as possible. Trust wife is better.

This was followed next day by a formal communication from the Governor of Bombay, offering Bhulabhai the appointment. However, Bhulabhai's wife Ichhaben had been struck by the dread disease of cancer in 1922 and Bhulabhai was unable to accept the appointment. Notwithstanding the view (based on his extensive experience of public life) taken by Chimanlal Setalvad, one cannot but comment that the appointment of Bhulabhai to an Executive Councillorship in 1923 would have deprived the nation of the valuable services which he rendered to it during the remaining twenty-three years of his life.

The year 1922 and 1923 were years of anxiety and distress to Bhulabhai. Ichhaben was suddenly taken ill early in 1922. When the trouble was diagnosed as cancer her thoughts naturally centred on her young son barely 14 years of age. Dhirubhai's health was never robust and this added to the mother's anxiety when she fell ill. The state of her mind is revealed by a letter, perhaps the only letter which is available to us. It is addressed to Bhulabhai in Europe and is dated the 17th July, 1922. The text is in Gujarati, the language in which she normally wrote, though the invocation is in English. Parts of it are translated in English and reproduced here:

Dearest,

No one can imagine the present condition of my mind. I had to follow the doctor's advice. I hope to meet you again. Perhaps I may not. Even if we meet, we shall not be together for a long time. I do not believe I shall now live long in this world. I do not feel much about it. But all my undertaking remain unfinished. Dhuru is still very young. I wished to see Chandu (a friend's daughter adopted by her) married. Also, I wished to see Ranchhodji (a nephew) get through his examination. Many such things will remain unaccomplished.

A time for enjoyment never came in my life; and at last when it came, illness began. I have, therefore, lost interest in life. I feel God has created me solely for the purpose of worrying about all others. My sensitive nature of taking to heart good or evil responses has pained me. Others may have felt happy due to this, but I myself have suffered much..... This is my solace that you are now keeping well and Dhuru also has recovered completely. This much is good. I do not care for my own self. I feel and feel very much that my departure will cause you pain. Lately I have thought much and have concluded that up to this day I have not done any wrong to any one, but rendered some service to some. This is my comfort. Do not grieve after me. Let not my son be grieved in any manner. I am sure you will not. But motherly love leads me to tell you this much. Pay greater attention to my son, and less towards your profession. Ranchhodji has great affection for me. He will feel extremely sad for me. Make his prospects good. He is still very young like Dhuru. He has not seen the world. Therefore, cherish kind regards for him, and make him wise and practical. He is extremely good at heart, but shy

and reticent. Very sensitive also. Dhiru will become lonely. Therefore, he will be a good and helpful companion to Dhiru also. Chandu loves me very much. Present her my diamond ring on the occasion of her wedding. Give her one of my embroidered sarees also. Regard her as your daughter and love her. Dhiru has no sister of his own. Therefore, advise him also to treat her as his sister and cherish affectionate regards for her. If not, do as God guides you all.

Preserve all my ornaments and jewellery in a sealed box for Dhiru's bride. Give half of your capital to Dhiru. Cherish him with proper care and attention. Make him a highly qualified good young man.

Pay attention to our *vadee* (orchard) at Tithal. Visit it at least once in a year. My soul will feel extremely happy. Give the *vadees* (orchards) at Tithal as well as Chanwai only to Dhiru. No one else should share them. Find a good bride for Dhiru, but do not let him marry a sophisticated doll of a foreigner. If you bring such a witch in my sacred home, my soul will writhe in agony, and all will suffer. Sons of devout and religious mothers should particularly pay attention to the purity of family life. Your mother was a saintly lady. You also are pure and noble like Dharmaraj. I still believe so. Therefore, let the remainder of your life also be spent so well, having God as your constant witness, that your own purity and mother's good name will not be defiled. This is my earnest wish, and I believe you will surely fulfill it.

Prolonged surgical treatment in India for nearly a year did not work any improvement. In May 1923, Bhulabhai took her to London for treatment, the son

accompanying them. However, the treatment in London also did not help. She returned to Bombay later in the year and passed away a few months after her return.

Notwithstanding the great pain from which she was suffering, she maintained complete equanimity. Mentally she was at peace having settled her affairs, made provision for her son and others in whom she was interested and given directions about the orchards at Tithal and Chanwai which she loved.

Thus ended a happy union which had lasted nearly thirty years. Born in a village Ichhaben grew into a large-hearted hostess whose house was always open to guests in her happy years in Ahmedabad. Later days brought the family great wealth such as she had never dreamt about; yet, her life remained simple and unsophisticated. In the early years she accompanied Bhulabhai to the hills during the vacations. But high society had little attraction for her. When Bhulabhai later started going abroad almost every year she built for herself a bungalow by the sea-shore a few miles from Bulsar. There she held her court, all her relatives crowding to her hospitable home. She always kept herself busy. Young boys and girls in the community had to be helped to be settled in marriage and generous gifts from her flowed to them constantly. All servants in the fields of Chanwai and their families were looked after affectionately.

In March 1926, Bhulabhai was asked to act as the Advocate-General of Bombay when Kanga was to be away for his usual holiday in Europe during the vacation. His appointment as Advocate-General did not, of course, add anything to his stature as a leading advocate. Nevertheless, it was a mark of recognition, by the then Government of

Bombay, of his leadership of the Bar in Bombay and was greatly appreciated by him.

Bhulabhai was a member of the Liberal Party for many years. At the Bombay Session of the Liberal Federation held in 1927, he appears to have supported the main resolution for the boycott of the Simon Commission. His speech on that resolution delivered on the 25th December, 1927, is interesting from more than one point of view and shows the trend of his political thinking as early as 1927. It appears to have always been his view that a demand for the Indianisation of the army and the navy was far more important than the Indianisation of the civil and administrative services. One notices this view reiterated by him later when he became the leader of the Congress Party in the Legislative Assembly towards the end of 1934.

Referring in his speech to the statement of Lord Birkenhead, the Secretary of State for India, Bhulabhai said:

He says further that, if the British army and the British navy are withdrawn and if their protection is not available to this country, we would not talk of self-government. That is the position taken by British statesmen from time to time; but no effort has ever been made at Indianisation of those portions of the British Government, because the army and the navy are as much a part of the government as the civil government of this country, and we Indians have had no share in it. It is somewhat remarkable, however, to find that, during the last 30 or 40 years of the life of the Indian National Congress, it never dawned on us until the years of the Great War in Europe that the weakest spot of demand for self government was the absence of Indians from the highest ranks of the army and the navy. We always wanted more of civil service, more appointments in

every department of Government; we wanted numerous measures of Council Reform, separation of the Judicial and the Executive. And if you examine the resolutions, it strikes one as a strong commentary on how we had almost come to believe that we had no place in the army and the navy as the basis of our right to rank as an equal member of the Commonwealth.

Even in those years though a member of the party, his political thinking was hardly that of a Liberal. That is amply indicated by what he said in further support of the resolution:

We are told of the consequence of this resolution. Sir Moropant Joshi, in bated breath, talked of the possibility of riots as foreshadowed by the Anglo-Indian Press. I am one of those who, when faced with a situation of this kind, do not seem to be very much perturbed by it, and for good reason. During the last Great War in Europe, when they were fighting for freedom was it ever a question of counting cost? Was it ever treated as a problem of economics either in amount or in resources? It was treated as a problem where emancipation and regard for principles stood above all petty considerations of that character and no sacrifice was too great an effort. And yet, we have been so utterly unnerved and so utterly demoralised that we are frightened at the possible loss of a hundred live— assuming it happens..... It is time that we realised that the treatment that we deserve is a treatment that would be given to us. The more you accept what is given to you with submission, the less will you gain in every next measure..... It is only when you realise that, when you place the Indian problem over party and personal interests, and it is only when you begin the unity of all shades of

opinion in this country, that there will be the beginning of a real step towards real advance, and then only will our voice be heard effectively in any step for constitutional advance towards the ultimate attainment of self-government within the Empire..... Let us all say this: Our ideal being the same, in all measures which tend towards the same goal, we shall stand shoulder to shoulder.

Bardoli: Bhulabhai presents Peasants' Case

IT was in 1922 that Gandhi declared aggressive civil disobedience by resorting to a mass 'No Tax' campaign at Bardoli. Five days later came the tragedy of Chauri Chaura. Thereafter, the Congress Working Committee and the All India Congress Committee abandoned the projected Civil Disobedience Movement. This was followed soon afterwards by Gandhi's arrest and his being sentenced to imprisonment by Broomfield, the District Judge of Ahmedabad.

Bardoli figured again in the history of Indian freedom in 1928. It launched the 'No Tax' campaign, "which constituted a landmark in the history of Satyagraha Movement in India". Bhulabhai was closely associated with the enquiry which the Bombay Government was compelled to hold as a result of the triumph of the Satyagraha campaign. As Bhulabhai vindicated in law the attitude of the Satyagrahis, so was he, towards the close of his life, to convince the nation and the world at large that the I.N.A. officers who were tried by Court Martial were not guilty of reason even in law.

Bardoli is the easternmost taluka of Surat District containing 137 villages with an area of 222 square miles. In 1926, the majority of the population of the taluka consisted of agriculturists numbering a little over 87,000. The last assessment and land revenue in the taluka was made in 1896 and it was fixed at Rs. 4,30,263. The revision of the assessment according to the prevalent practice in the Bombay Presidency

became due in 1926. The incidence of land revenue in the Bombay Presidency was heavier than in any other ryotwari province, and the incidence on cultivated acreage was higher in the Gujarat districts than in other districts, and in Gujarat it was the highest in the Surat District. Having regard to the basis of land revenue assessment, all matters regarding assessment were excluded from the jurisdiction of the civil courts. The revisional assessment fixed under the Code was not subject to challenge by the cultivators in any civil court because the whole subject was treated as being within the purview of the Government—the Government being the proprietor of the land—and therefore it was open to the Government to fix the assessment in the manner in which it thought fit.

The Government of Bombay entrusted the work of revising the assessment, which was due in 1926 to Mr. M.S. Jayakar, a member of the Provincial Civil Service in the rank of Deputy Controller who had no previous experience of similar work. He started his work some time in 1924 and in about five months prepared a report for submission to the Government. Mr. Jayakar in his report recommended an increase of 25 per cent over the existing rates and raised 23 villages from a lower group to a higher group, with the result that the increase in the total assessment of the taluka amounted to over 30 per cent. The reasons given by Mr. Jayakar for the increase were:

- (1) Communications have considerably improved, including the opening of the broad-gauge line of the Tipti Valley Railway; (2) population has increased by about 3,800; (3) the increase in the number of milk cattle and carts; (4) increase in wealth as judged by the new well-built and new pucca houses springing up all over; (5) improved condition

of the Kaliparaj, spread of education and prohibition among the Kaliparaj; (6) abnormal rise in the prices of food grains and of cotton; (7) agricultural wages have doubled; and (8) the prices of land have risen and assessment represents a steadily decreasing portion of the rent.

The main consideration which weighed with Mr. Jayakar in recommending an increase of 30 per cent was that the price of the total products of the taluka "represents a clear increase of Rs. 15,08,077 over the price of the products during the previous settlement".

The report of Mr. Jayakar was not published and only a copy was made available at the headquarters of the taluka. A committee appointed by the Taluka Congress studied the report and criticized the recommendations contained in the report. The peasant of Bardoli raised their objections to the proposed revision, but to no avail. Hence they decided in January 1927 at a conference to send a deputation to the Revenue Minister, who however treated the deputation with scant courtesy. The settlement Commissioner to whom the report was submitted found that the proposals of Mr. Jayakar for the levy of fresh rates were not based on reliable data. He found that there were no definite findings which could be used to support the levy of new rates. After examining the proposals of Mr. Jayakar, the Settlement Commissioner concluded by observing: "The truth is that he is sailing without a compass and without a rudder." Having rejected the basis of assessment adopted by Mr. Jayakar, the Settlement Commissioner turned to the rental basis as the true guide for revising the assessment. He accepted the appendices of sale and rentals annexed to the report of Mr. Jayakar as accurate. On the basis of rental value, he recommended an increase of 29 per cent.

Having considered the two reports of the Settlement Officer and the Settlement Commissioner, the Government finally recommended a 22 per cent increase instead of the 30 per cent and 29 per cent increases recommended by the Settlement Officer and Settlement Commissioner respectively. In a Resolution issued by the Government in July 1927, the Government agreed with the recommendation of the Settlement Commissioner who had suggested an entirely new grouping, especially of 32 villages from 50 to 60 per cent as they had to bear the effect of enhancement and promotion to a higher group.

The grounds given by the Settlement Officer and the Settlement Commissioner for the enhancement were carefully examined by the agriculturists and the Committee of the Congress, and their objections were put forward in the press. Representations were made to the Government against the proposed enhancement pointing out that Mr. Jayakar had not examined the relevant material and had made a report without going into details of the rents and without visiting the villages, and that the appendices attached to his report were not reliable and were misleading. The Government finally fixed the increase in the revised assessment at 22 per cent.

Thereupon the agriculturists of Bardoli met in conference in September 1927 and passed a resolution to withhold payment of the enhanced amount. The agriculturists approached Vallabhbhai Patel to take up their cause. It was proposed that the agriculturists should refuse to pay the increase over the old assessment, and should pay only the old assessment. As the revised assessment was unjust, the general feeling was that till the whole matter was properly and judicially examined, no payment should be made. After ascertaining the feeling

of the agriculturists at a conference of the representatives of villages consisting of Kanbis, Anavils, Kaliparajs and Parsis, on the 6th February, 1928, Vallabhbhai addressed a letter to the Governor of Bombay inviting his attention to the situation and to the flagrant injustice of the revised settlement and suggested to him “to afford a fair opportunity to the people to place their case before an impartial tribunal clothed with adequate authority” and expressed his willingness to meet him if necessary. As no reply was received by Vallabhbhai till the 11th February, 1928, he met the villagers again at Bardoli on the 12th February, 1928 and explained the whole situation to the agriculturists. He stated: “In the circumstances I would in all humility advise you to refuse payment of the whole assessment so long as the Government do not come to terms. You must bear clearly in mind that except your capacity for suffering and grim determination you will have nothing to fight Governments’ brute strength with. The mightiest tyrant must bend if the people are determined to put up with suffering. The question today is not of a few lakhs of rupees, but it is a question of self-respect.....You have to resist the arbitrary system of fixing the revenue according to the Government’s own whims and fancies..... I have suggested a clause in the resolution to the effect that the fight will go on until Government appoint an impartial tribunal, or revoke the orders of enhancement..... It is possible that Government might pick up the leading men amongst you first to set an example. Government might first confiscate the lands of those who moved the resolution to-day. If you are sure that these things will leave you unshaken, take up and fight the good fight.”* The

**The Story of Bardoli*, Mahadev Desai, Navjivan Press, Ahmedabad, 1929, pp. 51 – 52

following resolution was moved and passed by men from the different villages drawn from various communities:

This conference of the people of Bardoli taluka resolves that the revision settlement in Bardoli is arbitrary, unjust and oppressive, and advises all the occupants to refuse payment of the revised assessment until the Government is prepared to accept the amount of the old assessment in full satisfaction of the dues, or until the Government appoints an impartial tribunal to settle the whole question of revision by investigation and inquiry on the spot.*

Thus under the leadership of Vallabhbhai it was decided to launch a satyagraha and not to make any payment towards the revised assessment. The whole campaign of satyagraha was carefully planned throughout the whole taluka. The whole taluka was full of excitement and a spirit of defiance was seen amongst the people as they felt that their cause was just. The Government belittled the move for satyagraha and declared that it was being organised by an outsider.

Vallabhbhai explained the whole situation to Gandhi, who was convinced that the cause of the agriculturists was just. After studying the correspondence, between Vallabhbhai and the Government, Gandhi wrote an article in *Young India* blessing the movement. He wrote:

But let us see for the moment what is it that has upset the Government. Land revenue is a close preserve beyond the pale of law such as it is. The regulation of assessment rests entirely with the exclusive authority. Every attempt hitherto made to bring it into popular and judicial control has failed. The Government must somehow or other meet

**Ibid.*, pp. 52 – 53

the ever growing expenditure, the bulk of which is military. Land revenue lends itself to arbitrary increase, as it affects the largest class, a class that has no voice, a class that can be squeezed without wincing..... The public therefore are not called upon to accept the popular version as against that of the Government. They are asked merely to support the demand for the appointment of an *impartial* tribunal and failing such appointment to support the heroic resolve peacefully to resist the assessment and suffer all the consequences of such resistance even including confiscation of their land..... But though the object of the proposed Satyagraha is local and specific, it has an all-India application. What is true of Bardoli is true of many parts in India. The struggle has also an indirect bearing on Swaraj. Whatever awakens people to a sense of their wrongs and whatever gives them strength for disciplined and peaceful resistance and habituates them to corporate suffering brings us nearer Swaraj.*

When the agriculturists were preparing for satyagraha under the leadership of Vallabhbhai, penalty notices had been served on the agriculturists to pay the revised assessment and the Talatis were ordered to start with attachment and Japti. The penalty notices and attachment notices had no effect. Vallabhbhai, who was now styled as “Sardar” by the peasants., exhorted the agriculturists stating. “Fearlessness is all that you want”. In the months which followed, the Government resorted to all sorts of coercive action – forfeiture of the lands of those who did not pay the revised assessment, attachment of their cattle and sale of

**Ibid.*, pp. 67 – 69

them at very low prices as no genuine purchasers would come forward to buy them at these sales. With a view to terrorise the agriculturists, Pathans were employed to carry out the attachments and to execute the penalty notices. The executive adopted all available methods to terrorise and frighten the agriculturists as the prestige of the Government was at stake. The question raised was not only a local one; it had all-India repercussions involving a challenge both to the moral and the legal basis of the British rule in India.

There was a reign of lawlessness, but the people of Bardoli were determined to fight to the last. They boycotted the officials, and made it difficult for the administration to function in the taluka. But all their activities were non-violent as they were carrying on their campaign under the leadership of Vallabhbhai who insisted on non-violence. Valuable lands were forfeited and were sold at very low prices. The agriculturists had all their wealth in the lands, and when the lands were forfeited and sold away, they had nothing left in the world. But in spite of this ruination, they adhered to their resolve not to make payment even if they were completely ruined. The whole campaign of satyagraha was carried on peacefully. All sorts of temptations were given to the agriculturists for securing payment, but they were of no avail. The Government could not recover anything from the agriculturists, though it was pretended that some persons had made payments.

The movement was welcomed by leaders of various parties and was supported by Vithalbhai Patel, Speaker of the Legislative Assembly, and by other leading men from various an issue which was of vital importance to the whole country. When the movement was at its height, Sardar Patel told the people: "No power on earth can

beat the British Government with armed force and they can, if they are so minded, wipe out the whole taluka. Do not raise your little finger even in the face of British provocation. In spite of the right of self-defence, which I hold sacred, I say, even if you are abused and belaboured, do not hit back. For the slightest shadow of a pretext is sure to be abused by the Government and all the good that we have achieved will be nullified.”*

Several agriculturists and other persons who were participating in the movement were tried and sentenced to various terms of imprisonment. Women, children and persons belonging to all professions in addition to all the agriculturists participated in the movement and they endured all the sufferings and hardships resulting from drastic government measures. All attempts to negotiate a compromise failed.

Ultimately, after the matter was discussed by the Governor of Bombay with the Governor-General of India, and after an exchange of views between Whitchall and Simla and realising that it was difficult to put down the movement, the Government agreed to appoint a committee as suggested by Sardar Patel. During the negotiations for the appointment of the committee, it was agreed that all the lands which were forfeited and sold should be restored to the owners, all prisoners should be released and the Talatis who were dismissed should be reinstated. In the words of Mahadev Desai: “Thus ended a campaign which was pursued by a peaceful peasantry with truth and patient suffering for their weapons against an enemy who could any day have crushed them to atoms. But the Bardoli peasants demonstrated to all the world that truth and non-violence cannot be crushed. The Bardoli settlement was a triumph of

* *Ibid.*, *passion*

truth and non-violence, the third of Sardar's successful campaigns, the third milestone that he has had the honour of laying on the road to Swaraj."* It was a great moral victory for the nation.

The Government of Bombay appointed an Enquiry Committee consisting of Messrs. R.S. Broomfield, I.C.S., as Judicial Member, and M.R. Maxwell as Revenue Member. The terms of reference to the Committee required them to enquire into and report upon the complaint of the people of the talukas concerned that the enhancement of revenue recently made was not warranted in terms of the Land Revenue Code; to find if the people's complaint was justified; and what enhancement, if any, should be made upon the old assessment.

As the issue involved in the enquiry before the Committee was of vital importance not only to the peasants of Bardoli but to the peasants of the whole of India, and as it had an impact on larger political issues, Gandhi was very keen that the case of the Bardoli peasants be presented before the Committee by one of the ablest advocates in the country. He naturally thought of Bhulabhai as the proper person to present the peasants' case. Knowing that Bhulabhai hailed from the Surat District, that he knew the condition of the local peasantry and that he had gathered wide experience of the land revenue administration in the province during the course of his practice as an advocate, and also knowing that though not a Congressman he was a patriot at heart, Gandhi addressed a letter to Bhulabhai which Vallabhbhai Patel took to him. In the letter, he stated: "I wish you to give all your assistance. So far as the appointment of the commission is concerned, we have succeeded in achieving our aim. Though I am not sure

* *Ibid*, pp. 262-263

that justice will be done, at least injustice will be prevented.* Bhulabhai would not refuse a request made by Gandhi and he readily agreed conveying to Vallabhbhai his willingness to present the case.

At an informal conference held with the Enquiry Officers on the 5th November, 1928, Bhulabhai as the people's advocate explained the peasants' case and took his stand on section 107 of the Land Revenue Code which, according to him, strictly confined the Settlement Officer and the Settlement Commissioner to a consideration of the profits of agriculture so far as the agricultural land was concerned. He argued that a consideration of the rental statistics may be relevant as reflecting the true profits of agriculture in some cases, but that no conclusion could be based exclusively on the rental values which the Settlement Commissioner had done. He further pointed out that the basis of rental values was inappropriate in a tract like Bardoli where the lease area was very small and where the statistics collected lacked scrutiny. He pointed out that the peasants would, therefore, lead evidence regarding the net profits of agriculture which were to be determined by finding out the price of the produce and deducting there from the cost of cultivation which would include wages and cost of seed, manure, stock, live and dead, interest and depreciation.

After Bhulabhai stated the case of the peasants in outline, the Officers started the actual enquiry on the 14th November, 1928 and it went on till the end of January 1929. A number of leading workers and representatives of the people accompanied the Officers when they went round the villages to make the enquiries assisting them and cooperating with them. They prepared statements regarding

the rents which were accepted by the Committee. The Committee acknowledged the value of the co-operation of the representatives in these words:

In addition to the compilation of much useful information on their own lines, these gentlemen had systematically investigated and tabulated in advance the rental or sale transactions of each village in our programme, and their detailed knowledge of individual cases not infrequently enabled us to obtain more accurate information than would otherwise have been available. We gladly acknowledge here the conscientious and the impartial manner in which this assistance was given to us and its real value for the purposes of this enquiry.

Bhulabhai utilized this material with great skill, and showed to the Committee that the rental basis was entirely misleading and unreliable and could not be in any view the basis for revision of the assessment. After showing that the rental basis was not the proper basis and that the true basis was the profits of agriculture, Bhulabhai put before the Committee various statements regarding the value of the produce from each acre of land and from each holding after taking into consideration various crops which were being raised and their value according to the market price and also the cost of cultivation including all items which entered into the cost, and showed that there was a loss in every case and that the agricultural operations and resulted in a deficit.

When Bhulabhai pointed out that the agriculturist was incurring a loss from year to year in agricultural operations and that it was not possible for him to bear the increased burden of the assessment under the circumstances—a fact which was irrefutably proved by statistics and figures which could not be challenged and which were practically

accepted by the Officers—Mr. Broomfield cynically remarked: “Mr. Desai, do you know that there is a book by Thackerary called *Vanity Fair*?” Bhulabhai replied, “Yes.” Mr. Broomfield: “Do you know that there is a chapter in that book styled ‘How to Live Well on Nothing a Year’? Hearing this cynical observation made by Mr. Broomfield when the case was being seriously argued by Bhulabhai, Sardar Patel who was attending the hearings lost his temper and angrily stated in a voice which the Committee could hear: “What the devil does he mean by making this flippant and impertinent observation? Bhulabhai, you should stop arguing the case as the Officers are not serious about the matter and we must withdraw.” He asked Bhulabhai to leave the tent in which the Committee was holding its sittings with him. Sardar Patel with G.N. Joshi, who was assisting with his practical and sagacious approach, knowing fully had not only local importance but had a vital significance for the whole country, continued his arguments as if nothing had happened. As a result of this incident the Officers heard Bhulabhai for the rest of the hearing quietly and with seriousness.

Bhulabhai examined all the eight grounds relied upon by the Settlement Officer for recommending the enhanced assessment and showed that none of them was proved. As the result of Bhulabhai’s argument the Officers rejected the Settlement Officer’s statistical table as regard rent as entirely useless. As regards the rental statistics, they observed: “It is true that these statistics cover far less than the whole of either taluka.” They considered the method of basing the assessment on the actual profits of cultivation unreliable as it would have resulted in a radical reduction in the existing rates. They recommended the revised assessment on rental basis and also recommended the

regrouping of the villages. The material result of the enquiry was that the enhancement fixed before the enquiry for both the talukas at Rs. 1,87,492 was reduced to Rs. 48,648 which meant that the two talukas were relieved of a yearly burden of nearly Rs. 1,40,000. Apart from the material gain, the stand taken by the people that the revised assessment recommended by the Officers was not well-founded on facts and in law was substantiated. The Officers accepted that the grievance of the peasants was well founded and thus there was a complete vindication of the stand of the people for launching satyagraha to secure an impartial tribunal to examine the whole case. The Report of the Committee contained the following significant observation:

The established method of using the statistics is in our opinion unsound in theory; and however it may work in practice in other districts, it is not capable of giving satisfactory results in this part of Gujarat where leases and sale transactions are affected by such a variety of disturbing factors.

As a result of the Bardoli satyagraha and the recommendation of the Committee, remissions amounting to lakhs of rupees were given in the Punjab, and in the Central Provinces liberal suspensions of revenue were allowed. The proceedings for revisional settlement which were pending in the Bombay Presidency were also suspended. Thus the indirect gain which resulted from the enquiry was great and significant.

Bhulabhai devoted his time exclusively to the study of the facts, figures, statistics and other material collected for presenting the case of the peasants of Bardoli for a number of days. He was assisted by people's representatives and economists. The way in which he presented the whole case with consummate skill in a cool and unruffled manner

without bringing into it any element of emotion or heat created a tremendous impression on the Officers. This enquiry gave Bhulabhai an opportunity of becoming acquainted closely with the condition of the peasantry and their problems and gave him an insight into the real economic problems facing the country. His participation in the enquiry undoubtedly influenced his future career and brought him closer to Patel, Gandhi and the Congress.

Bhulabhai made a great contribution to the cause of the agriculturist in the country by presenting the case of the Bardoli peasants. The Committee's findings affected the land revenue policy of the Government throughout British India. This is how Bhulabhai himself looked at it: "At the risk of forfeiting all their properties, the peasants concerned took a vow that they would not pay the enhanced tax so that they can at least demonstrate to the Indian people that it was possible by means of Satyagraha to achieve their goal..... That particular Satyagraha actually achieved its narrow and immediate object and the Government of Bombay yielded to the pressure and appointed a Commission with the assistance of the Congress on a promise that there shall be an investigation into the matter and that not only would the enhanced revenue be remitted, but that if the circumstances so required, there should be a reduction of the revenue..... We went on for a period of six or seven months from village to village, and ultimately obtained an award whereby the whole enhancement was got rid of, and though the Government did not admit it, indirectly they agreed to a 10 per cent reduction of revenue."* The people's victory in the Satyagraha dealt a severe moral blow to the British Government and its prestige. It galvanised the people who were suffering from

**Ibid*, pp. 94-95

apathy, resignation and submission to their fate. Out of this struggle and enquiry Vallabhbhai emerged as Sardar Patel and Bhulabhai emerged as the Advocate of the people who were suffering from apathy, resignation and submission to their fate.

In the Congress: Imprisonment

AS the activities of Bhulabhai are hereafter in a measure inter-connected with the moves and action of the Indian National Congress, it is necessary to have a glimpse of the progress of the national movement in 1929 and onwards.

The Madras Session of the Congress in 1927 had authorised the Working Committee in collaboration with other similar committees appointed by other organisations to draft a Swaraj Constitution for India and to submit it for consideration to a Special Convention which was to be called later. The representatives of all the organisations appointed a Committee under the chairmanship of Motilal Nehru which made certain recommendations. The proposals of the Committee were accepted by an All Parties' Conference, consisting of representatives of Hindus and Muslims, which met at Lucknow in August 1928. In December 1928, the Nation had expressed itself in the Annual Session of the Congress in Calcutta widely in favour of the sentiment for Independence. Indeed, the younger section led by Jawaharlal Nehru and Subhas Bose had organised an Independence League and carried on propaganda in favour of Independence. In view of these sentiments at Calcutta Congress, "Gandhi, by way of compromise, suggested that the Dominion Status be accepted, provided the British Parliament accepts the Nehru Constitution in its entirety within a year"*.

* *History of the Freedom Movement in India*, Volume III, p. 316

The compromise resolution of the Calcutta Congress put an end for a time to active political agitation during 1929. There was, however, a sudden revival of revolutionary activity. Lala Lajpat Rai was, while leading an anti-Simon Commission demonstration at Lahore, severely injured and died shortly afterwards, his death being generally believed to be due to the injuries received by him. A bomb was thrown during one of the Assembly sitting in Delhi, and this led to the arrest of Bhagat Singh, B. Dutt and several others. About the middle of 1929 were started conspiracy proceedings against those belonging to the youth movement in the Punjab who had been arrested. Some of the prisoners, including Bhagat Singh, resorted to a hunger strike in protest against the treatment accorded to them in jail. When the condition of those who were on hunger strike became precarious, there was an intense agitation throughout the country, which led to persistent demands by the public for humane treatment of political prisoners. Ultimately, all the strikers were persuaded to end the strike except Jatin Das of Bengal, who refusing to take food, died on the 15th September, 1929. "The most touching of the numerous messages received on the occasion was one from the family of Terence McSwiney, the Irish revolutionary, who had met with his death under similar conditions. The laconic message ran: 'Family of Terence McSwiney have heard with grief and pride of the death of Jatin Das. Freedom will come'."* The death of Jatin Das naturally strengthened the sentiments of the youth in favour of Independence and gave support to the revolutionary movement. Gandhi, having regard to his philosophy and sentiment, did not approve of the hunger

**Ibid.*, p. 319

strike and no mention of it was made by him in his writing in *Young India*.

Congressmen themselves seemed to be divided over various questions. When Pandit Motilal Nehru, the leader of the Congress Party in the Legislative Assembly, was preparing for fighting fresh elections to the Legislative Assembly in Bengal, the Congress Working Committee on the 15th July, 1929, passed a resolution, calling upon the Congressmen to resign their seats in the legislatures. Curiously enough, notwithstanding the encouragement to the Bengal Congress Party to fight the elections. Pandit Motilal Nehru acquiesced in the Congress Working Committee's resolution. It appeared that Motilal Nehru and Gandhi were tending towards the boycott of the legislative bodies. Jawaharlal Nehru, notwithstanding his repeated assertions of socialist beliefs and leadership of the left wing, had come under Gandhi's influence after his return from Europe in 1927. He was proposed for the presidentship of the Congress by Gandhi, and, thereafter, Subhash Bose, who was the leader of the youth and represented the left wing of the Congress, and Jawaharlal Nehru parted company.

On the 31st October, 1929, Lord Irwin, on his return from London, where he had been summoned for consultations by His Majesty's Government, made a declaration. He announced that he had been authorised "on behalf of His Majesty's Government to state clearly that, in their judgment, it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status." This statement, following the ultimatum of the Congress which was due to expire on the 31st December, was regarded as a conciliatory move by the Viceroy, offering, as the ultimate objective of the Reforms,

Dominion Status to India. Gandhi and Motilal Nehru issued a statement, expressing appreciation of the announcement, and offered co-operation in evolving a dominion constitution for India. They suggested a Predominant representation of the Congress in the proposed Round Table Conference, and demanded that the objective of the Conference should be “not to discuss when Dominion Status is to be established, but to frame a scheme of Dominion Constitution for India”. There was, however, a section of the Congress which was opposed to this view and participation in the Round Table Conference. The view of Gandhi and Motilal Nehru, however, prevailed. The two Congress leaders met the Viceroy on the 23rd December, seeking a definite assurance that Dominion Status would be granted to India. The viceroy was, however, unable to go farther than the statement made by him on the 31st October, 1929. As no guarantee of immediate progress towards Dominion Status was offered, Gandhi declared himself definitely for Independence. The result was a great accession of strength to him in the Congress fold.

The Congress met at Lahore in December 1929, under the presidentship of Jawaharlal Nehru. His choice as president with his enthusiasm for Independence marked out the Congress gathering as of considerable importance. The result of the deliberations of that gathering was, as expected, again a parting of the Congress from the moves initiated by Lord Irwin. The resolution adopted stated that the Congress was “of opinion that nothing, is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference. This Congress, therefore, in pursuance of the resolution passed at its session at Calcutta last year, declares that the word ‘Swaraj’ in Article I of the Congress Constitution shall mean Complete

Independence and further declares the entire scheme of the Nehru Committee's report to have lapsed and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of complete independence for India." The resolution further called upon Congressmen and others taking part in the national movement to abstain from participating directly or indirectly in future elections and directed the "present Congress members of the legislatures and committees to resign their seats". Equally momentous was that part of the resolution which "authorises the All India Congress Committee, whenever it deems fit, to launch upon a programme of civil disobedience, including non-payment of taxes, whether in selected areas or otherwise, and under such safeguards as it may consider necessary". The projected revival of the civil disobedience movement was clearly Gandhi's idea of drawing the youth and revolutionary movement into its fold of non-violence.

The changed attitude of the Congress at Lahore evoked great enthusiasm all over the country, "..... As the clock struck midnight on the 31st December, and the date of ultimatum issued by the Congress expired, the President of the Congress came out in a solemn procession to the banks of the Ravi and hoisted the tri-colour flag of Indian Independence in the presence of a mammoth gathering that faced the biting cold of Lahore winter to witness the historic scene. 'As the flag slowly went up the staff, a thrill of joy shock the vast audience, and imbued them with a new hope and a distant vision of the glorious future of India.'"

The annually constituted Working Committee of the Congress met on the 2nd January, 1930, and as a result of their action in February, 1930, the Congress members in the legislative assemblies of the various States resigned. In

order to further the ideal of Independence, the Committee decided that the 26th of January would be observed all over India as the Poorna Swaraj Day or The Day of Independence. A manifesto was adopted by the Working Committee to be read over at the Independence Day gatherings, which spoke in terms of “the inalienable rights of the Indian people as of any other people to have freedom,” and expressed the belief “that India must sever the British connection and attain Poorna Swarajya or complete independence”. The Independence Day was solemnly observed with great enthusiasm all over the land.

All eyes were now turned on Gandhi and the Working Committee waiting for a lead for the start of civil disobedience in implementation of the resolution of the Lahore Congress. The Working Committee in turn left it completely to Gandhi, and his followers in the creed of non-violence. The Working Committee resolved that it “welcomes the proposal of Mahatma Gandhi and authorises him and those working with him who believe in non-violence as an article of faith to the extent above indicated, to start civil disobedience as and when they desire and in the manner and to the extent they decide.”

On the 2nd March, 1930, Gandhi wrote, in accordance with his usual practice, a letter to the Viceroy, communicating his decision to launch the fateful satyagraha campaign by manufacturing salt at Dandhi, a village on the sea-coast in Gujarat, over 200 miles from Sabarmati, and thus openly break the law. “On the 12th March, 1930, Gandhi with 79 male and female members left the Sabarmati Ashram on foot and reached the sea at Dandhi on the 5th April. It was a veritable triumphal progress. The villagers flocked from all sides, sprinkled the roads, strewed leaves on them, and, as the pilgrims passed, sank on their knees. Over three hundred village headmen

gave up their jobs. Early on the morning of the 6th April, Gandhi and his party dipped into the sea-water, returned to the beach and picked up some salt left by the waves. It was a technical breach of law; but the way in which the whole thing was managed was of great significance. The slow march over 241 miles in 24 days with full publicity to the world that it was a deliberate act of defiance to the mighty British Government, made a profound appeal to all—both leaders and masses—and, as Gandhi intended, it was a signal to the nation. Salt laws were broken in many places, salt was made in pans in the cities, and mass arrests and other repressions followed. Sixty thousand political prisoners were put in jails. Indians remained non-violent, despite beatings, kicks and arrests.... It must be admitted that the plan was a grand conception and it was superbly executed with consummate skill. The slow march on foot from village to village was, by itself, an automatic and intensive propaganda carried on in the neighbourhood, and roused the entire countryside to a realistic sense of the coming struggle for Swaraj contemplated by the Congress. As wide publicity was given in the press to every detail of the march and display of the unique devotion to Gandhi and enthusiasm for the cause he had espoused, among the masses the story of the 'Pilgrim's Journey to Dandi' worked up the feelings of the country as a whole, such as nothing else could. At first, the Government and their henchmen looked upon the whole thing with ridicule and contempt, and the editor of an Anglo-Indian daily, *The Statesman*, made the taunting remark that 'the Mahatma could go on boiling sea-water till Dominion Status was attained'. But, ere long, this scoffing attitude changed to a nervous apprehension. The technical breach of the Salt Law by Gandhi on the 6th April, 1930 was a signal for the countrywide repetition of the same. Where natural

conditions did not permit of the illegal manufacture of salt, violation of other laws was resorted to. J.M. Sen Gupta, the Mayor of Calcutta, defied the Law of Sedition by openly reading seditious literature in a public meeting. An intensive campaign was started on an extensive scale for the boycott of liquor and of intoxicating drugs, as well as of foreign cloth and British goods of all sorts, with the help of volunteer organisation of picketers.”*

Numerous acts of terrorism followed, the crowning ones of which were the incidents at Dharasana and Wadala. Repressive laws were again the order of the day. The Press Ordinance resulted in securities aggregating to Rs. 2,40,000 being taken from 131 newspapers, and nine newspapers which had declined to pay, suspended publication. Congress organisations all over the country were declared unlawful and the Government was authorised to confiscate their property. Notwithstanding these repressive measures, the activities of those participating in the movement did not cease. “Their activities like raising funds, recruiting volunteers, etc., were conducted in secret. Meetings and processions were held in defiance of the law, and newspapers, bulletins, leaflets, etc., were printed and distributed in spite of official ban. In some places, like Bombay, Congress propaganda was carried on by means of the radio, and the Police could not locate the transmitting stations.”**

Following this, Gandhi was arrested on the 5th May, 1930.

Within a few days, there was a procession of more than 100,000 people in Bombay as a protest against

* *Ibid.*, pp. 338–339

** *Ibid.*, p. 342

Gandhi's arrest. Just opposite the Victoria Terminus Railway Station, as they were proceeding to the Fort Area, police blocked the street. The procession sat down in the street. "One frenzied Gandhiite rushed in front of the police, shouting repeatedly, 'Shoot me in the breast'. Another Gandhiite shouted to the demonstrators; 'If you are prepared to die, stay; if not, go home'." But none left. At 8 p.m., the authorities allowed the procession to proceed into the heart of European quarters. A foreign correspondent said: "This triumph of non-violence over armed forces gave Gandhi's idea of non-resistance its first spectacular victory."

On the 1st June, 1930, the Simon Commission submitted its report. The recommendations were considered unsatisfactory even by the Indian Legislative Assembly, though it had no nationalist member representing the Congress. The Liberals set their face against it and pressed that the report should not form the basis of discussion at the Round Table Conference. The Congress leaders who were in Jail were permitted to confer together. They issued a joint statement on the 15th August, 1930, that no solution would be acceptable to them or to the Congress which did not concede to India the right to secede from the Empire and a national Government responsible to the people and having control of defence and finance.

The First Round Table Conference took place in London from the 12th November, 1930 to the 19th January, 1931, under the chairmanship of the Prime Minister, Ramsay MacDonald. Communal differences manifested themselves in an acute degree during the session of the Conference. The Conference ended with a statement by the Prime Minister, defending the attitude of the British Government. The statement indicated broadly the

framework, on which the Government of India Act, 1935 was later based. It was, no doubt, an advance over what had been recommended by the Simon Commission.

Two days after the conclusion of the Round Table Conference, the Working Committee of the Congress met at Allahabad. The resolution taken was that the Prime Minister's statement was 'too vague and general to justify any change in the policy of the Congress'. The Committee affirmed the decision taken by the Congress leaders when they were in the Yeravda Central Prison on the 15th August 1930. Thousands of men and women including all the members of the Working Committee and the majority of the members of the All India Congress Committee being in jail, there was no question of the Congress being able to enunciate any policy, and the Committee called upon 'the country to carry on the struggle with unabated vigour along the lines already laid down'. The day after the resolution was received a cablegram from Sapru and Sastri, requesting the Committee 'not to arrive at any decision on the Premier's speech until their arrival and without hearing them'. The members of the Working Committee of the Congress were released on the 26th January, 1931.

The members of the Round Table Conference, on arrival in India in February 1931, appealed to the leaders of the Congress to make efforts to complete the scheme outlined in the Conference. There were consultations between Sapru and Sastri, and, eventually, came about an interview between Gandhi and the Viceroy, Lord Irwin. The interview resulted in what is known as the Gandhi-Irwin Pact. The terms of the Pact were put before the Working Committee, and, though a number of members of the Committee, including Jawaharlal Nehru and Vallabhbhai Patel, did not quite approve of the draft,

the Committee endorsed the Pact arrived at between Gandhi and Lord Irwin on the 5th March, 1931. It was obvious that the acceptance of the Pact, though not so admitted, meant an abandonment by the Congress of the demand for Poorna Swaraj or Full Independence. Even Jawaharlal Nehru, who was at the time the President of the Indian National Congress, was constrained to issue a statement that "he did not approve of some of the terms of the Pact, but, as an obedient soldier, he had to submit to the leader". The leaders of the youth movement, including Subhash Bose, openly expressed their disapproval.

A few days before the Karachi Congress on the 29th March, 1931, Bhagat Singh and his comrades were, notwithstanding appeals for the commutation of their capital sentence, executed. This led to violent demonstrations by people at many places. The execution of Bhagat Singh cast a shadow over the Session of the Congress and a resolution was moved at the Session, placing on record the admiration of the bravery and the sacrifice of Bhagat Singh and his comrades. The Congress adopted the resolution with the addition of words which expressed the dissociation of the Congress and its disapproval of political violence in any shape or form. The Congress session also adopted the Gandhi-Irwin Pact.

In April 1931, Lord Irwin was succeeded by Lord Willingdon as Viceroy, and it seemed that this change presaged a stiffening of the British Government's attitude towards India.

Before the Second Round Table Conference which began on the 7th September, 1931, there was a change of Government in Britain, the Labour Government being replaced at the pressure of the Conservatives, by a National Government. Though Ramsay Macdonald continued to be the Premier, Samuel Hoare, a Conservative, took

charge of the India Office. Gandhi was present at this Conference. Notwithstanding his efforts, his appeal for the immediate establishment of full responsible government in India both at the Centre and the Provinces, including complete control over finance, army and defence, and foreign relations, failed. No further progress was, in fact, made at the Second Round Table Conference; and Gandhi returned to India after the close of the session without success.

Even while Gandhi was in London, the Government of India had issued repressive ordinances regarding Bengal and United Provinces. While he was on his way to India, several Pathan agitators on the Frontier lost their lives as a result of firing by the British military and there was great indignation all over the country.

As soon as Gandhi landed in Bombay, he sent a wire to the Viceroy, requesting an unconditional interview to discuss the Bengal, Frontier and United Provinces questions. Lord Willingdon, who was then in Calcutta, refused to grant an interview. In a telegram dated the 7th January, 1932, the Viceroy refused to contemplate the possibility of a meeting with Gandhi "held under a threat of resumption of Civil Disobedience". This was in reference to a statement made in Gandhi's telegram to the Viceroy, resenting the repressive measures taken by the Government and intimating that the Congress must resist the Government's terrorism by adopting measures "within the limits of its prescribed creed of non-violence". The policy of mass arrests and repression was continued by the Viceroy who had the reputation in Britain of being the upholder of a firm policy which would prevent the weakening of the British hold on India. The Working Committee of the Indian National Congress, which was then in session at Bombay, decided once again to start civil Disobedience.

Gandhi was arrested early in January, and before the end of the month, most of the Congress leaders all over India were behind prison bars. Special ordinances were issued by the Viceroy, and, before the 1st February, several thousands of Congressmen and women were put in jail. Press ordinances were issued and the freedom of the press was curtailed; but the Civil Disobedience Movement continued, though not on such a large scale as in 1930. Two sessions of the Congress were held, one at Delhi and the other at Calcutta, in defiance of official bans.

We may now look at the activities of Bhulabhai who having resigned from the Liberal Party had joined the Congress in 1930. Convinced of the efficacy of the boycott of British goods, Bhulabhai established the Swadeshi Sabha in Bombay the main object of which was to promote this boycott. His great influence among the industrialists of Bombay and the co-operation of F.E. Dinshaw, a solicitor, who by reason of finance, also commanded vast influence over them, induced 80 textile mills to join the Sabha. The main condition of the membership of the Sabha was that the member mills would not spin yarn less than 18 count. Foreign cotton or silk yarn was not to be used by the mills to produce cloth. The activities of the Sabha were very effective. In the result, in 1932, the Sabha was declared illegal.

In 1931, the Karachi Congress had authorized the Working Committee of the Congress to appoint a Committee to scrutinize the financial obligations of India to Britain. Pursuant to this resolution the Working Committee appointed a Committee consisting of D.N. Bahadurji, Bhulabhai, K.T. Shah and J.C. Kumarappa to make an enquiry into the financial transactions of the East India Company and

the British Government in India and the so-called Public Debt of India and to report on the obligations which should in future be borne legitimately by India. The Committee made its report which was published by the Working Committee of the Congress in 1931. The Committee found that the outstanding Public Debt of India was not wholly incurred for her benefit and it should not therefore be made an exclusive burden on India. The Committee observed:

The history of British occupation of India, since the East India Company acquired political power, is a history of ever growing material gain in wealth and prestige to Great Britain. On the other hand, the result to India has been that Indian industries were destroyed or suppressed and India has become a market for the manufactures and other products of Great Britain.... India has also provided a vast field for the employment of Britishers in all grades of civil and military service, and even if the Salaries and Pensions paid were totalled up, the figure would be colossal. . . These facts by themselves should be sufficient reasons for transference of all existing liabilities by way of public debts from the shoulders of India to that of Great Britain from every moral and equitable point of view. . . The army maintained in India cannot be said to have been maintained merely for her protection. It has largely been an army of occupation, and to use the language of Lord Salisbury, it has also been used as a barrack for providing troops for external British Imperial purposes. We should not be erring on the wrong side if we suggest that a part of what has been treated as the ordinary military expenditure of India should certainly be borne by Great Britain and should be considered as a reasonable item in arriving at an

adjustment of India's burden during the course of present negotiations.

Against the canvas of these perplexing political events came the incarceration of Bhulabhai. Bhulabhai's son, Bhirubhai, who had taken law and had qualified for the Bar in England was married early in 1932 to a young lady of a well-known family in Ahmedabad. The family lived together for a few months. Bhulabhai continuing to take an active part in the activities of the Congress. On the 25th July, 1932; Bhulabhai was arrested in Bombay. The newspapers in Bombay carried the caption: BHULABHAI ARRESTED UNDER ORDINANCE. He was arrested at his residence under the Special Powers Ordinance by the Deputy Commissioner of Police in Bombay. He was taken first to the police station and then to the Police Commissioner's Office, and, later, removed to jail in Bombay. A day later, he was removed to the jail in Nasik. The cotton, share, cloth and bullion markets in Bombay were closed, and the arrest created a sensation in legal and other circles.

He was later sentenced to a year's imprisonment and fine. There is little doubt that Bhulabhai was arrested and imprisoned by reason of his activities in relation to the Swadeshi Sabha. Early in the year, he was one of the persons to whom the Government had written asking them to define their attitude towards the Congress. In fact he had been receiving police attention for some time before his arrest in July 1932.

Many of his friends wondered how Bhulabhai, accustomed to a life of comfort and luxury, would be able to stand the sentence of imprisonment for a year. No doubt he was treated as a 'A' class prisoner. Further, as he was

not keeping well, food of his choice was specially cooked and served to him in jail. In fact, he had hired a bungalow and kept a cook outside the jail, special permission having been given to him to have his own food from outside. He was also with permission visited, from time to time, the Nasik Jail by his son and daughter-in-law and friends. Notwithstanding these special amenities, there were certain rules in force in jail at that time which applied also to 'A' class prisoners. "One of the rules at that time was to lock up all prisoners, irrespective of their classes, at night and to keep an earthen pot in the cell for them to answer nature's calls. It naturally upset the 'A' class satyagrahis who argued that those who had courted arrest are not likely to run away even if opportunities were available".* His life in jail is described by the then Superintendent of the Nasik Jail, Major-General Bhandari: "His life in jail was very much different from that of others. His day started with morning prayers and reading of *Bhagavad Gita*. He not only read a number of books on various subjects, including law, but also made notes. At the time of discharge from the jail, all the books he took with him could have made a good library. In jail, he never..... lost his temper even in spite of irksome rules which were enforced in the jail."

How did Bhulabhai, the active lawyer and man of affairs, whose working day was normally about ten hours or more, fare in his solitary life in jail? Fortunately, we have a few letters written by him to the members of his family which help us to find answer to this question. Now and later whenever he was away from his son and daughter-in-

*Statement of Major-General M.J. Bhandari, Superintendent of Jail 1932-1933

law, he wrote to them frequently long letters most of them addressed jointly to them.

About twenty days after his arrest and imprisonment, on the 17th August, 1932, he writes:

Since my arrest on the 25th July, I have passed through many moods and states of mind. My nerves were somewhat over-wrought in the first week and I could not face anybody who was sympathetic as that appearance reminded me actually of how I was suddenly cut off from the rest of the world except a friend and three or four convicts and a constable.

I have tried to understand the subjective and objective effects of this event. Objective effects I can only gather very dimly from the reports of Dhiru. On the whole, it has a certain amount of genuine appreciation – if not admiration – and a certain amount of genuine expression of affection or personal regard. However, much one values these – and speaking on a lower plane, though it may satisfy one's vanity – they cannot be sufficient to support one in this solitude. It is good to feel that you have been marked out as having done something in this national struggle and that may have impressed few workers – or many casual readers for the time being – the general effect cannot be very great – for, as I read in Thackeray's *Esmond* many years ago – the world withstanding the event. There maybe an infinite variety of motives – besides the only genuine one of patriotism – which may have prompted several into this struggle and in the result in the prison, and they may hope to find reward awaiting them else where some time or the other and that, to some, it maybe a dope from disappointment – with

some, it may cover many known and unknown sins of omission or commission – for the rest, they must find their reward and their peace in some view of their acts and conduct which is referable to something on themselves that would provide a real support in the life of privation – for the time, privation is a sense of loss of freedom – being out off from all one was familiar with – all one looked for – all one worked for and worked in – from all sources that excited and elevated the mind from the lower or normal level of dullness and depression. In the outer world my spirits were maintained largely, I confess, by the sense of struggle and fight and discussion and clash of minds and generally the atmosphere which brought forth the otherwise slumbering energies. The dead monotony of stagnant routine and the blank facing of dead walls during the day and for the twelve hours the cell and the bars of the doors through which the watchman looks at you at all hours of the night – the unpassable staring bars produce a reaction which can be fought by some active principle. A mind that is obtuse or unreceptional can perhaps stand it better, for, I see my watchman just gazing at the ground all day and feel nothing at the passing of what to me are futile and meaningless days. What then is the active principle to render this endurable and in the end perhaps. God willing, useful while it lasts – how is it to be found – does it inherently exist – to come forth or is it to be sought and cultivated – I am looking for it. At present, I am only borrowing from the faith of Mahatmaji, who at all events, restored to some of us at least a sense of the value of liberty in and for itself – apart from how it will be attained or whether it will necessarily bring with it more material good. That sense of liberty

has immense value, requires no proof – in its name and for its preservation countless lives have been lost in all recorded history and untold sacrifices have been made. If the present sacrifice called for (by) Mahatmaji serves no better purpose than to bring home to the minds of Indians that there is such a thing as liberty having inherent value – that no consideration stands higher than its attainment – that at present we are without even a modicum of it – (let alone the substance of it) – that the penetration of the western races into the east has successfully robbed them of that freedom – and that, apart from its results, the attainment of freedom and the struggle for it in the mass should begin and be handed down to our children and that no race having power and dominion over another is going to make a gift of freedom – that no prayer for it will ever bring us nearer its attainment – that constitutional agitation and all other forms of delusive speech by which pseudo-patriots deceive themselves and attempt to deceive others are of no real value – that without civil disobedience there is no means of waking up the rulers to our desire for obtaining freedom – for, if every commandment issued by them had to be obeyed as lawful, no commandment will ever be wanting to maintain the subjection for ever. It is a vicious circle from which there is no escape. The subjugator has in him the power of making any law – law must be obeyed – he will make any law in perpetuate his power – and you cannot disobey any such law – ergo the power must remain for ever. These ‘constitutionalists’ are hypocrites and what they argue is a snare; some day, the tyrant’s ‘law’ to

maintain his tyranny has to be disobeyed, or otherwise, there will not even be a beginning of the fight against tyranny – or, in other words – there will never be even a beginning of the struggle for freedom. Civil disobedience is and must be the right and inherent in every freedom-loving man. I feel that, after a century and more, the idea of freedom is just dawning upon us and slave mentality is being affected considerably though personal and class interest (vices which are the necessary concomitants of subjection) stand in the way of its rapid progress. Self-reliance takes some time to grow in the minds of enslaved races and communities. “How can it be done?” is a question they ask, and there follows inaction and subjection. The realisation that we ought to be free – that we are not free – that there may be untold sacrifice required – that freedom, even when attained, will bring into existence many difficult problems – and even so, freedom is worth all this risk and more – *is the first step* and God grant that this first step may lead by strides to the emancipation of India.

May this be active principle which can make this endurable or is any higher feeling likely to be realised by me out of this – what to blatant and lazy and vulgar minds appear to be a futile struggle and a futile sacrifice.

His mind and thought, weaned away from its inherent liberalism by this work under the leadership of Gandhi and fully imbued with the efficacy of civil disobedience, is now working to find the true justification for the life of privation and solitude with which he had to content himself. He appears to have found it in the belief that his incarceration was a step in the fight for freedom against the foreign ruler – freedom without which human existence has no meaning.

A month later, his thoughts naturally dwelt on his son, who was but a beginner in the profession. He writes to him on the 8th September, 1932:

As I said in the letter (which did not reach you), ‘Out of Evil cometh Good,’ and this will make you self-reliant, self-confident, decisive and utterly solid and broad-based. (This evidently, is a reference to the son being left without the help of the father in the profession). Please also endeavour to cultivate the understanding of what maybe described as ‘the other man’s point of view’ of every act and thought. It is doubly useful – it enables us in *our profession* to form a correct estimate of how a particular person would act or think under given circumstances and in personal life it will enable one to judge others with consideration and mitigate the effect of dogmatic thinking and feeling. That you will make good, I have no doubt, always, of course, with the aid and blessing of Providence, for, they are the only sure golden threads in the otherwise uneven warp and weft of life.

On the Gujarati New Year’s day, when the elders bless the children in the family, he wrote a long letter to his son and daughter-in-law. He said:

I am, in God’s wisdom, working out and forging the future of my ripe years for such public service and private good as He has ordained that I should render. I have done no conscious harm to anybody yet, and I hope to devote the better part of the life hereafter in doing active service, should reasonable opportunities offer themselves. Undoubtedly, the future work lies among the poor – the illiterate – the downtrodden, the dumb and the suffering millions and for their

amelioration. Even a little mitigation or improvement in their condition is so great and so worthwhile, for it is multiplied a millionfold – after all, the best part of the lives of human beings in all countries, and more so, in ours, that matters is daily life – good shelter, clothing leisure and means of *self-improvement* so as to raise them above the level of animal and to the noble status of man. Heroic occasions are few in such lives and are few even in the lives of men regarded great. It is the daily needs and their satisfaction which make up the sum of normal human life. Tolerably nourishing food in sufficiency – proper shelter – decent clothing – reasonable leisure – sufficient knowledge of their own respective vernaculars and understanding and living a God-fearing and hopeful life with a clean and plain and straightforward faith in God, not overlaid with priesthoods and religious ceremonials – and how different and smiling this Hind of ours will be! Unity and solidarity of Hindu faith and Indian tradition appear to be almost obvious and proximate necessity and how far do they recede into distance in the lives and conduct, and thoughts of the best of our countrymen? It should not be so difficult to rouse them to a sense of their responsibility – yet, it is not attempted, much less achieved. God willing, when I am free, I hope to work out a scheme which should mark the beginning of an organised effort to attain these. A constant and regular propaganda throughout the country (in every vernacular) in the cause of Nationalism – Patriotism – Freedom – true Brotherhood and genuine Equality should be set on foot for the education of the people. This has been done in the past in other countries and should be easily workable here – side by side, with that, there should be a

network of local organisations on board and accepted national principles throughout all our provinces, so that every single idea will pulsate almost in no time throughout the provinces without any visible effort – almost automatically and spontaneously. What we shall get in the shape of Provincial Autonomy I cannot say; but if it is anything genuine and real, the very machinery of Government could be easily tasked to a most useful purpose by raising the daily life of the peasant and the labourer and affecting it for good almost in no time. I shall endeavour to do all I am to fulfil our expectations as regards the service of the country which, in our land, is almost synonymous with the service of the poor and the neglected. Let us all join in a prayer to the Almighty, the giver of all good, that he will bless our efforts and give me strength, health, wisdom and a span of life to work for this cause which is so much at our heart.

Thus his thoughts had turned to the vast problem of raising the level of life of our country's millions, freeing them from the shackles of priesthood, ceremonial religion, caste and other social evils. In his opinion, freedom would have little meaning to the masses, unless their existence could be moulded in the manner of a normal human existence – an existence which knows some of the good and blessed things of life and hopes for more of them.

The letter also conveys New Year blessings to the children:

With you, my children, I have every incentive in life to live the very last moment that God will grant me for, I am aware that you will do all to support it, enrich it, illuminate it and adorn it with your goodwill,

tolerance, sympathy, understanding, and, above all, affection. I am humbly proud of you and I invoke God's blessings upon you with a fully happy heart on this our New Year's Day.

When Bhulabhai was released from jail in the following year he had to cart away a sizable library. His letters in November make reference to some of the books he was reading. He writes on the 4th November, 1932:

I am reading also. Keyserling's book makes very good reading, for, his analysis of the attitude of mind and soul as expressed in Buddhism and Hinduism enables me to clear my mind of several conceptions. I confess that, being metaphysical thought, it does not come up to my mind quite as much; still, I enter a sphere of fair understanding at many points. His description of the beauty and simplicity of the Taj requires a lot to beat. His language is not merely superb, but, on many instances, clear as crystal, so limpid and so engaging. It sometimes expresses what one is, so to say, trying to say but which escapes one.

Green Bankes is a good light change and makes easy reading. Then, of course, remains for a part of the day a reasoned speculation as to the course of events from the fragment we know from the newspapers. The stories in the *Parsee Teapot* are very amusing to read, also Jam-e-Jamshed occasionally.

Leonard Woolf provides the more serious reading of another type, so that you will see that I am sufficiently occupied.

In a letter of the 16th November, 1932, he refers to John Buchan's book *Gap in the Curtain*, which is a very good thought-raising book. The diction is worth imitating for its

reality and exactness. There is not a superfluous word. It is an attempt to look into the future, and when you think you have, how it reacts on your mind before the foreseen event occurs". In the same letter, there are a few words of advice to his son:

I am hoping that your deep feeling for me will enable or almost compel you to a quick development into a man of affairs quick to take in every situation and appreciate it to see your way in every matter which is presented for action or solution. I believe that, as you read Motilal's briefs, incidentally you will re-read the Acts you have finished and look up the rest. I wish to say again that it will be better to aim at exact accurate knowledge, though less in extent and quantity. You will also begin to analyse the facts and distinguish between the essentials and inessentials, so that you will raise the right question for decision in private, public and professional matters.

The month of December finds him again in an introspective mood in regard to his own attitude and future of the country. Writing on the 3rd December, 1932, he thus unburdens himself:

As regards myself, otherwise, there are two aspects – the subjective and objective. As to the subjective, it is better – not to attempt consciously to find a justification all the time, though it exists and supports the privation, but, beyond that, it is possible – and that is the effort I am making with some success with occasional lapses – to create within oneself a sort of niche to retire into and feel happy when everything else goes counter to one's wishes or expectations. I cannot put it as high as the grace of God, for, that comes perhaps to some better

man. This He, in His kindness, bestows upon some to enable them to sustain themselves and it is perfectly consistent and in fact exists notwithstanding that one is still concerned and works for things for himself and the world in the affairs of life and it prepared to take chances of success or failure. This attitude is somewhat different to utter indifference to consequences while doing one's duty as understood from our Sacred Book. Perhaps, it is a lower and very human phase, and if I can attain and maintain it, it would be an achievement very useful and fairly powerful against external disappointments, failures or even destructive circumstances which one cannot often foresee or control.

As to the second *viz*, objective, I shall prepare my mind and my will to adapt myself to what I may find when I am free. If He wills or wishes it, I shall find a field of work for the employment of my powers and faculties perhaps to attempt to mitigate what is in our Motherland, the most real calamity – a want of the sense of self-respect and patriotism with all their allied and resultant qualities which distinguish some of the other races. That will also in due time enable the achievement of circumstances creating or at least tending to create a better standard of life for the starving millions – starving not merely from ordinary physical sustenance, but moral and broadly religious ideas and ideals which can make them better humans....

Writing to his son on the 19th December, 1932, his mind came back to the months he had spent in detention:

With the end of the year, I shall have been away from home for five months and I confess that time has passed more quickly than I would have anticipated; of

course, it may appear to crawl towards the end of the present term, though I do not feel by any means certain that it will see the ultimate end, but I shall leave that to Providence. My present effort should be confined to maintain health and make as good use as I can of the time on my hands. After a month or more of reading – a feeling will come over me to record impressions of what I may have read or conclusions applicable to the country's immediate future. Reminiscences are the fashionable thing to write; but, somehow, I do not feel myself or my experiences important enough to induce me to make a permanent record of them, and this is no mere mock humility. If I see the utility in the time at my disposal, I shall begin that as well.

One can see that his mind was turning more to the manifold problems of the country:

As for future work – I feel very uncertain at present. Conditions have been considerably altered in the country for a fairly long period – doubtful situation will arise from the varied reception of the new constitution and freedom to work in the national cause openly and actively is likely to be very much hampered. In the end, our work will lie in the awakening of the political and hygienic conscience and consciousness of the peasantry of India – and their minds and their hearts of the paralysing apathy and fear which now govern them and by which others govern them. The forces of nationalism must be created which alone will concentrate their mind on national achievement – the prophets of internationalism and world brotherhood leave the mass of people very cold and excite no feeling and evolve no effort. Love of freedom may be too abstract, but

love of the mother land is sufficiently concrete. It is by appealing to their sense of improving their individual lot that they can be roused – how much better they would be economically if they had their own national government and how much happier they would be by being saved from the removal of what Shakespeare called ‘insolence of office’ and consequently, contumely. Even now, self-respect has not been sufficiently aroused to resist the curbing forces of the present regime. After all, the work of social and personal regimentation of the Indian manhood can proceed if the authority is not interested in these problems to keep the people down. More in the future. It is not difficult to draw up a scheme; but let me hope that there will be a generous response from workers to get into close and personal touch with the masses of India who live in the villages, though even in democracies the real solution of their larger problems will have to come from their leaders – the essential difference arising from those who would lead them disinterestedly for the national advance. The world has so altered and got complicated that even for democracies, though they may be educated to exercise their choice in the end – the leaders will have to be experts and think for them. The measure of relief from their present serfdom and semi-starvation is the real measure of useful work. Then at the back of this freedom will have to be cultivated qualities of industry and integrity – a simple mind – a more straight thinking – unencumbered by too much of attention to problems beyond life. An undue amount of time, energy and resources are at present being spent upon it – the mind of the betters and resources of the poor who believe that by ceremonials life beyond can be insured against. A more direct faith – Hindu society unified on the basis of a common brotherhood

will alone answer the purpose. Every other idea has a dividing effect and retards all advance as can be easily observed from the anti-untouchability movement.

As regards what, Mahatmaji told you about your contribution to this work, I shall make suggestions to you when we meet. Well. We can assist on the education of a certain number of Harijan boys and girls and I am at present of the view that, if we employed more and more of Harijan domestics – service for which even now they are fairly fit – the barriers will break down. Of course, on our side, the Harijans are not economically worse off than other laboring class Hindus. I have travelled very far from the purpose of this personal letter; but I have already told you how I am trying my mind to the present circumstances and, as regards future work, I am still not free from doubt and difficulty. However, given the desire to serve, the work will unfold itself more easily than I now think. After I attain freedom (whenever it may occur), I hope to remain able to render some service if God will bless me as now in maintaining my health.

The months of January and February 1933, again find him referring to his reading in jail. Writing on the 20th January, 1933, to his daughter-in-law, he states:

I have just finished Haldane's autobiography. It is a book worth reading and worth keeping. In many respects, it expresses clearly and definitely some of my points of view with larger and richer experience. As I have said, I believe in a free will and in human effort; but I also hold that when It comes to actual results, they are governed (not infrequently) by circumstances which we cannot foresee or prevent or control. Haldane has a felicitous

expression for this view – he calls it the ‘contingent’ in human life. He says at the end of the book: The *contingent* plays a large part even in the best ordered lives and we do well to ask philosophy to teach us how to make ourselves detached from the circumstances it brings, happy or otherwise. The best that ordinary mortals can hope for is the result which will probably come from sustained work directed by as full reflection as is possible. This result may be affected adversely by circumstances, by illness, by misfortune or by death. But, if we have striven to think and to do work based on thought, then, we have at least the sense of having striven with such faculties as we have possessed devoted to the striving and that is in itself a source of happiness, *going beyond the possession of any definite gain.*’ This is perhaps the best expression of my view of life and so long as I can maintain it (I hope to do so by grace of Providence), you and I have every reason to be satisfied and happy.

In a letter of the 15th February, he refers to Ludwig’s *Talks with Mussolini*, which he says “are quite good”. “It would appear that though the principles for which Lenin and he stand are an antithesis, the means and the method of enforcement are the same – and all in the name of and for the benefit of their respective countries and their people. It is also surprising to be told that, in each case, there is a willing acquiescence of the people and an intelligent co-operation.”

Eight months of prison life had, as it were, accustomed him to it. Writing on the 22nd March, 1933, he states:

Eight months have gone and if at all it was necessary I have got used to the conditions of prison life. I sometimes feel quite carefree and I have often asked

myself if it was just due to the absence of having to deal with the problems and duties which arise every day in free life or whether it is really a more permanent (lasting) adjustment of mental outlook – of course I would like to believe that the latter is the case. While outside I used to say that I could not stand a year's change – I thought it could be too long but necessity disciplines the mind and the emotions more than we think forward, so to say, but as Americans will say that 'hind-sight is certainly easier than foresight' – it is not difficult to evaluate some of the things of human life – some friends may look at the pecuniary loss – some at the loss of opportunities (as they see them) – some at the chances for personal advancement – some at the vanities of preferment, but without intending to put it too high, I venture to think and say that occasions like prison life do not always occur in national or personal life and as I was reading in Tennyson yesterday.....

'I held it truth, with him who sings
To one clear harp in divers tones,
That men may rise on stepping stones
Of their dead selves (experiences) to higher things.
But who shall so forecast the years
And find in loss a gain to match?

Please let us, therefore, find in what may appear to be 'loss' a substantial 'gain' to set against it in the final sum of human life and I am not afraid of the resultant total. Not only is this 'gain' to me but even to you both; it is a 'gain' that you will remember whenever you feel unhappy over personal loss – personal as regards you and personal as regards myself.

In his letter of the 20th April, 1933, he again refers to what he had read:

I have been reading a few books which are available in addition to ours. Among them is one entitled *Glimpses of the Great* by Viereck, the author of *My Two Thousand Years* – the great Jew epic. It contains his short descriptions of a considerable number of men in the European world of thought, applied sciences (in particular, medical and psychological), history, politics and economics. It is a book worth having. Please get it if you can for our library. Most of the opinions are given in the words of the individuals themselves – more or less on the lines of Ludwig's *Talks with Mussolini*. It is well written – well expressed. Among others, he has interviewed Kaiser William II and asked him what enabled him to survive his unique power and position. The Kaiser readily replied: 'A sense of duty and a sense of humour.' The latter is indeed a great quality – it runs through life like a silken thread enabling one to smooth over all the rough places and crassness of human existence – a genuine capacity for finding or raising a sincere laugh out of men, things and situations without cynicism and without stupidity. It is a great and mobile quality – it is very versatile – it lights up all manner of things and places which appear to be terrifying and troublesome. It relieves all tension and assists and facilitates easy thinking and above all imparts to the daily and difficult life a great savour of enjoyment. It is a great solvent for all the tenseness and sternness of its correlative – the sense of duty. God may bestow both upon you both. See you similarly through life which is now well begun. It is a shifting stage – this life – let us play a noble part so far as in us lies.

Finally, towards the end of the period of his imprisonment, we find a letter dated the 7th May, 1933, designed to reach his son and daughter-in-law on the anniversary of their marriage the previous year:

I am writing this in the hope that this will reach you on the first anniversary of the auspicious day of your marriage last year. Turning over all the events connected with your marriage, I have every reason to feel and believe that this was providential, for as you are fully aware that this good and great (event) nearly escaped us – if it had been postponed to Diwali (as it looked like being), I dare, not think what the ‘contingent’ in human life would have done and what turn this aspect of our lives might have taken. I have told and retold the story of how fidgety I was during the month preceding the events, and looking backwards, it could only be intuition that led me to rush things, so that the full moon day of last Vaisakh literally in spirit saw you united. It was a great event in a beautiful setting – the moon looking over and blessing you, peeping out and above the palms and the mango trees.

I identified myself (according to some common minds) perhaps too much, in those early days of your new-found happiness and your new fostering friendship – with your thoughts and feelings and your life. That again was perhaps due to a sub-conscious feeling that after a time I was to be deprived of it all – in a manner which I did not consciously realise and which I must have intuitively realised was coming. Two months therefore, I came here, and by the time I join you in your daily life again. I should have been away a good year’s time.

While he was still in jail, a notice was issued to him on the 23rd April, 1933, stating: “Mr. Bhulabhai J. Desai of Bulsar, now in jail, is hereby requested to state what share he holds in the Desaigiri cash allowance of Rs.20..... Payable from the Bulsar Sub-Treasury..... and to show cause why his share in the aforesaid cash allowance which is held on condition of remaining loyal to the British Government should not be forfeited to Government, as he has been found taking part in anti-Government activities and convicted. If no reply in the matter is received within a fortnight from the date of the receipt of this notice, it will be presumed that he has no reasons to urge in the matter and steps will be taken to forfeit his share in the allowance.” So meticulous was the foreign Government in those days that even a share in an annual allowance of Rs. 20 was sought to be taken care of by forfeiture. The family permitted this allowance to lapse by not applying for it.

Bhulabhai fell seriously ill in jail by reason of a septic tooth and his life was saved by a timely iodine injection. He was released from the Nasik jail by reason of his illness on the 4th July, 1933 – a few days before completing his sentence he was in hospital for six weeks, having been operated upon for tooth trouble. The *Bombay Chronicle* of the 4th July, 1933, stated that he looked pale and emaciated as he stepped down from the train at Victoria Terminus. He said he wanted to take some rest, pointing to his still-plastered jaw.

On the 6th July, 1933, Gandhi wired to Bhulabhai, stating: “Just understood you were released, being seriously ill; please wire true condition. Hope speedy recovery.” Later, on the same day, he sent another telegram, stating: “Wired Nasik early morning; do come if you are well enough. Wire condition.”

A number of political developments had taken place while Bhulabhai was in jail. On the 17th August, 1932, the

Communal Award of Ramsay MacDonal was announced. That granted to the Mohammedan, European and Sikh communities separate electorates. What was, however, most important from Gandhi's point of view was the provision in the Award relating to the depressed classes. In substance, in order, as it stated, to secure adequate representation in the legislatures to the depressed classes, a number of special seats were to be assigned to them. They were to be filled by election from special constituencies, in which only members of the depressed classes electorally qualified would be entitled to vote. Persons voting in special constituencies were also be entitled to vote in the general constituencies. MacDonal, however, promised to accept any alternative scheme mutually agreed upon by the Hindus and the depressed classes.

On the 18th August, Gandhi addressed a letter to MacDonald stating that he had resolved to commence a fast unto death at noon on the 20th September, which would cease only if the scheme was revised and a common electorate restored.

The announcement of an intended fast contained in the letter spread alarm and anxiety over the whole country. Frantic efforts followed to make him desist from the serious resolve taken by him; but these failed. The whole country was stirred when the fast commenced on the 20th September; and even in England, an appeal was made over the signatures of some influential persons for a special prayer throughout the country. The day on which the fast started was observed as a day of fasting and prayer throughout the country.

After a prolonged negotiation, on the fifth day of the fast, a settlement was arrived at between Ambedkar, the leader of the depressed classes, and Pandit Malviya and others who had convened a conference of leaders. The gist

of the settlement was an increased number of reserved seats for the depressed classes and a common electorate subject to certain conditions which, among others, conceded a primary election by the depressed classes alone for a certain number of candidates for each reserved seat. The agreement reached was known as the Poona Pact, and, all parties having accepted it, the constitutional scheme was amended in accordance with it. Thus ended the efforts of those whose immediate object was the saving of Gandhi's life by inducing him to break his fast.

However, people wondered "whether the Epic Fast was worth either the issue involved or the decision arrived at".... Most interesting were the reactions of Jawaharlal Nehru to the events that had happened: "I felt angry with him at his religious and sentimental approach to a political question, and his frequent references to God in connection with it. He even seemed to suggest that God had indicated the very date of the fast. What a terrible example to set!"* These feeling were shared by many followers of Gandhi and had disastrous consequences upon the civil disobedience movement.

However, the movement still continued. The 26th January, 1933, the "Independence Day", was celebrated with great enthusiasm all over India. Congress processions and demonstrations which were held in spite of the ban were shot at by the police in order to disperse them. Kasturba was arrested and sentenced to six months' imprisonment on the 7th February, 1933. The most outstanding event, however, was the Calcutta Session of the Congress held on the 31st March, 1933. "More than 2,000 delegates were elected from different parts of the country, of whom about a thousand were arrested before their start

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or during the journey.” Pandit Malaviya who had been elected President and the widowed mother of Jawaharlal Nehru who had decided to attend with a number of other leaders were arrested on the way. However, notwithstanding the ban, “more than a thousand delegates met at the place selected for the session. The police soon arrived at the scene and began to strike the Congressmen with lathis. But even while the heavy lathi blows were breaking their heads, the delegates who were in the centre of the circle held the session under the presidentship of Mrs. J.M. Sen Gupta. Resolutions were passed, reaffirming (1) the goal of independence, (2) Civil disobedience, and (3) boycott of foreign cloth and British goods.”*

An extract from the speech of the President showed the fire of repression which was raging over the country:

It is estimated that nearly 120,000 persons, including several thousand women and quite a number of children, have been arrested and imprisoned during the last fifteen months. It is an open secret that, when the Government started repression, the official expectation was that they would crush the Congress in six weeks’ time. Fifteen months have not enabled the Government to achieve the object. Twice fifteen months will not enable it to do so.**

On the 8th May, 1933, Gandhi again declared that he would begin a fast of 21 days for purification of himself and his associates for “greater vigilance and watchfulness in connection with the Harijan cause”. Thereupon, the Government decided to release Gandhi, having regard to the object of the fast and its purpose. As soon as Gandhi was released on the 8th May, he issued a statement, recommending

**Ibid*, p. 476

***Ibid.*, p. 477

to the President of the Congress a suspension of the civil disobedience movement for a month of six weeks.

If this move was taken with a view to start negotiations with the Government, it was a complete failure. The Government made its position clear by stating that “there is no intention of negotiating with the Congress for a withdrawal of the civil disobedience movement or of releasing prisoners with a view to arrive at any settlement with them in regard to these unlawful activities.”* There was now Lord Willingdon at the head of the Government, and not Lord Irwin. There was no question of parleys with the Congress unless civil disobedience was given up. The Viceroy vindicated, by the statement he issued, the strength of the Government and its rehabilitation after the humiliating agreement entered into by Lord Irwin. Aney, the President of the Congress, convened a conference to consider the situation. There was sharp difference of opinion at the Conference and, eventually, it was decided that Gandhi should seek an interview with the Viceroy for arriving at a settlement with the Government. As was to be expected, the Viceroy declined to interview Gandhi and the Congress suffered a rebuff. In the circumstances that arose, mass civil disobedience was suspended and those who were able and willing were advised to offer individual civil disobedience. What is more, all Congress organisations and war councils ceased to function in view of the suspension of mass satyagraha.

The sudden suspension of mass civil disobedience on the 8th May, 1933, was, even to many of Gandhi’s followers, a surprising step to take. Vithalbhai Patel and Subhas Bose, who were abroad, issued a statement, condemning the decision and pointing out that it meant not only a setback, but the undoing of the labours of the Congress

**Ibid*, p. 479

in the cause of independence for the last 13 years. A Bombay leader, Nariman, bitterly attacked Gandhi, suggesting that “the remedy lay in securing for Gandhi, in place of the late Pandit Motilal Nehru, another political task-master – a plain-speaking, outspoken giant and not lip-sealed mummies who always shake their heads like spring dolls, perpendicularly or horizontally, according as the Mahatma pulls the strings straight or sideways.”*

The followers of Gandhi, including Jawaharlal Nehru, seemed, however, to have applied different standards in judging the action of Gandhi. The view of Jawaharlal Nehru was that “it was impossible to judge him by the usual standards or even to apply the ordinary canons of logic to him.”**

Let us now look at the political developments which followed the release of Bhulabhai. Gandhi was against unconditional withdrawal of the civil disobedience movement. Jayakar who had returned from London declared that the Government had violated the assurance that the agreements reached at the Round Table Conference would form the basis of proposals for submission to Parliament. Gandhi was stated to be of the view that he would see the Viceroy, and, after talking to him, decide if he would withdraw the civil disobedience movement. If the meeting of Congress leaders to be held on the 12th July decided to withdraw the civil disobedience movement, he would leave the Congress and carry on the movement even with a handful of men.

Subhas Bose wrote from Vienna to say that Gandhi had failed as a political leader. The civil disobedience movement had failed because the movement at its height shifted from political to the social object of anti-touchability.

**Ibid.*, p. 484

***Ibid.*, p. 487

“The result of this diversion of activity was the same as it would be if an army sent to fight gave up that work suddenly and took to excavating an irrigation canal. To suspend the movement is to surrender.”

Horniman was of the view that the movement had exhausted itself and should be withdrawn, constructive steps being taken to bring about unity among Hindus and Muslims. According to him, the withdrawal did not mean co-operation with Government which came with a lathi in one hand and safeguards in the other. There was no doubt, however, that the movement had galvanised the people as never before. On the 11th July, 1933, came the news that the Viceroy had written to Gandhi, stating that he was not prepared to meet him so long as the Congress was committed to the policy of civil disobedience.

On the 14th July, 1933, Gandhi addressed the Congress leaders' conference. He said he regretted several speakers stating that the workers were tired and wanted rest. “I would have appreciated it if they had said they themselves were tired. The workers were not tired. The country was not tired. The country was prepared to continue. The Government wants complete surrender. I would rather be reduced to dust than surrender.” The resolution asking for unconditional withdrawal was rejected by a majority of 40 against 16.

In answer to Gandhi's telegram asking for an interview, the Viceroy had declined to meet him unless the movement was abandoned. Gandhi then withdrew to the Sabarmati Ashram, returning to it on the 19th July, 1933, after an absence of two years.

On the 21st July, 1933, Aney, the Congress President, urged that the mass civil disobedience movement, including the no-tax and no-rent campaigns, be abandoned and all

Congress organisations should cease to exist for the time being.

On the 25th July, 1933, Gandhi disbanded the Sabarmati Ashram which had been in existence for 18 years. Said he, "I have nothing on this earth which I can call my own; but I have some things which are more precious than what might be considered to be mine, and, among these precious things, the Ashram is perhaps the most precious. And I felt that, on the eve of my embarking upon what is to me a fresh and sacred mission in life, I should invite fellow-workers of the Ashram to join me and give up the activities in which they have been engaged all these precious years." This was his preparation for the march to Ras, accompanied by Kasturba, Mahadev Desai, Kalekar and thirty-two Ashramites who were to follow him. But, before the march could commence, they were all arrested on the 1st August, 1933.

The repressive police of Lord Willingdon, called by some Englishmen as the stalwart upholder of British prestige, continued with full vigour. The Royal Air Force heavily bombed the villages on the Frontier. So great was the outrage that the *News Chronicle* of London said: "If it is morally right to bomb Khar, it is morally right to bomb London." Lord Willingdon, however, continued to tread his path. On the 4th August, 1933, Gandhi was released and served with an order not to leave the limits of Poona City. He broke the order forthwith and was arrested and taken to Yeravda Jail, where he was tried and sentenced to a year's simple imprisonment. Kasturba and other ladies who had acted similarly were arrested and sentenced to various periods of imprisonment.

Bhulabhai who continued to be ill, left for Europe on Monday the 7th August, 1933, with Dhirubhai and his daughter-in-law.

Swaraj Party: Elections

AFTER the return of Bhulabhai to India, the Congress Working Committee was re-organised in 1934-35. Gandhiji wanted some young blood in the Committee. At the instance of Jawaharlal Nehru, four socialists were chosen to be members of the Working Committee. These were Jayaprakash Narain, Minoo Masani and two others. The Sardar agreed to include these persons with great hesitation. Ultimately, the Sardar insisted on Bhulabhai's inclusion. Thus it was that Bhulabhai came to be included in the Working Committee and remained there for many years.

The decisions taken at the three Round Table Conferences had been published in a White Paper in March 1933. These proposals were referred to a joint committee of the Houses of Parliament who took the views of Indian delegates who were sent by the Government. Eventually came the passing of the Government of India Act, 1935.

On the 2nd April, 1934 Gandhi issued a statement which has been described "as the funeral epitaph on Satyagraha". The decision was taken notwithstanding the opposing views of many Congressmen. The Working Committee and the All India Congress Committee met in Patna from the 18th to the 20th May, 1934, and, as recommended by Gandhi, suspended the Civil Disobedience Movement, but accepted entry into the legislatures as a part of the programme of the Congress. All Congressmen were called upon give up civil disobedience and the Movement was terminated on the 20th May, 1934. Thus, the strategy of entering the legislatures, which was first

adopted in 1923 and was reversed in 1925, was again adopted in 1934.

What preceded the decision of the Congress bodies to revive the programme of entering the legislatures is found recorded by two leading Congress figures. We have an account given by K.M. Munshi of the meeting where the plan seems to have been born and formulated:

About thirty of us met at Dr. Ansari's house at Delhi on March 31 and April 1, 1934. On the eve of the meeting, the position was carefully reviewed. We were unanimous that there was no alternative but to start the Swaraj Party. Gandhiji's letter to Dr. Ansari and to myself were again read to ascertain that he had no objection to the course that we were adopting. Mr. Rangaswamy Iyengar's draft, which Gandhiji himself revised, was then adopted as the basis. Dr. Ansari had then just been informed that the Government of India proposed to hold the elections to the Central Assembly in October or November next, in order to catch the Congress weak and unprepared, and he suggested that the proposed Swaraj Party should contest the elections. Many of those present were first taken aback. The anti-parliamentarian complex took some time to be overcome. The next which we were, Dr. Ansari's suggestion was the only one which could be adopted. Mr. Bhulabhai Desai accepted the chairmanship of the meeting, which, by a large majority, resolved to start the party and to contest the elections, provided the plan had Gandhiji's whole-hearted approval and blessings. The avowal of faith in Gandhiji's judgment and leadership at this meeting was remarkable. Indeed, it was decided not to publish the resolution till it had been seen and approved of by Gandhiji.

Next day, Dr. Ansari, Mr. Bhulabhai Desai and Dr. Bidhan Roy left for Patna to obtain Gandhiji's approval, which he gave. Independently of this and without being so much as aware that the Delhi meeting had decided on contesting the elections subject to his approval, Gandhiji formally advised suspension of Civil Disobedience at the same time (April 1934).*

Gandhi's mind seemed, independently of what was happening at Delhi, to be working in the same direction at Patna. This may be described in the words of Babu Rajendra Prasad:

Many people felt that, irrespective of the shortcomings in the proposed constitutional reform, and irrespective of the fact whether Congress wanted to work it or wreck it, it must fight the next elections. In Congress circles, discussion on the topic was initiated by Dr. Ansari, Dr. B.C. Roy and Bhulabhai Desai. Probably Gandhiji, who was at the time touring Bihar, gave thought to the question. As far as I was concerned, I was too much immersed in relief activities to think of anything else.

Once, during a tour of flood affected areas, Gandhiji and I stopped in village Saharsa in Bhagalpur District. It being Monday, Gandhiji was observing his usual silence. I found him busily engaged in writing something. In the evening he handed to me a piece of paper and asked me to give my opinion on it. I read it and found that it posed the question of withdrawal of satyagraha and touched on the ensuing elections. He said that his conclusions were based on what some of his close associates had said

* *I Follow the Mahatma*, K. M. Munshi, Bombay, 1940, pp. 125-126

after their release from jail. In my own province, apart from slackness in satyagraha, the atmosphere had completely changed as a result of the earthquake. No one was offering or intended to offer satyagraha here. Political workers, when released from jail, devoted themselves entirely to relief work. Therefore, Gandhiji's suggestion did not seem odd to me and I expressed my agreement with his statement. He wanted it to be released to the press. As there were no telegraphic facilities in Saharsa, I decided to send the statement to Patna through a messenger. Before I could do so, a man came from Patna with a telegram to Mahatma Gandhi from Dr. Ansari. Dr. Ansari had intimated that he was coming to Patna with Dr. Roy and Bhulabhai Desai to have talks with Gandhiji. The Mahatma then dropped the idea of issuing the statement to the press and we left for Patna. After prolonged talks with Dr. Ansari and others, Gandhiji's statement was released to the press. Though many Congressmen liked the decision, they did not feel very happy about the reasons given for suspending the satyagraha.*

The active part which Bhulabhai played in bringing about the Congress attitude in favour of entering the legislatures appears from one of his letters, dated the 10th May, 1934, from Shillong. Apart from this change of attitude, there were also groups in various parts of the country, particularly in Bengal, who wished to have a voice in the running of elections. He writes:

I remained in Calcutta one day and met both groups—Subhash group and Sen Gupta group—for, here, they do not seem to have made up..... Though they are

**Autobiography*, Rajendra Prasad, Asia Publicing House, Bombay, 1937, pp. 378-379

wholeheartedly for the Swaraj Party programme, as they expect better voice, they desire that the A.I.C.C. should run the elections through a sub-committee; at all events, they believe that the Subhash group will not have then a predominant voice.

The Newspaper groups, besides these disputes, have a real question, *viz*, the attitude towards the Communal Award – they want unequivocal rejection. They do not believe that the Mussalmans will even be reconciled whatever the Hindus give – they will only ask for more – or back the common opponent. Even a man like Ramanand Chattterji (who clearly is above party politics) agrees with the others as regards the Hindu-Muslim problem.

The revival of the Swaraj Party having been decided upon, a Parliamentary Board was constituted, and Bhulabhai was made the General Secretary of the Parliamentary Board. He played an active part in the organisation of elections and selection of candidates.

Though he was contesting the Central Assembly seat from Gujarat, he campaigned for the election in some parts of the country, and delivered a number of speeches. We have, fortunately, a record of some of the speeches delivered by him in the South and at Nagpur.

After the intense struggle carried on under the flag of the Civil Disobedience Movement, the Congress programme of entering the legislatures struck many people as being an anti-climax. The Congress had proclaimed independence as its goal and started the Civil Disobedience Movement in order to achieve that goal. Was it now entering the legislatures with a view to co-operate from day-to-day with the British Government in its legislative programmes for the country? How were the methods adopted by the Liberals? Was the adoption of this

programme consistent with its declared goal of shaking off British domination and becoming a free country? These and various other questions were sought to be answered by Bhulabhai in the speeches he made.

At Coimbatore, on the 8th July, 1934, he pointed out the great sacrifice made in the civil disobedience struggle and what had been gained by it. "The last Satyagraha movement has brought home to every person, who advisedly or unsuspectingly doubted the Congress claim of representing the masses of the Indian people, that the Congress does represent the masses. Today, I am in a passion to congratulate this town, among numerous others, on bearing witness to that great struggle for freedom for which, during the last three years and more, every sacrifice of personal liberty, of property, every form of suffering and injury in which we could express our love for our Motherland without retaliation, without bitterness and without rancour, and yet in the hope and belief that, by our action and by our conduct, we were standing not merely by the great doctrine of Ahimsa, by the great doctrine of Truth, but also, supported by these two doctrines, the great doctrine of the freedom of the subject races of the world, has been made ungrudgingly by the nation." He proceeded: "As a result of the suspension of that great struggle under the advice of Mahatma Gandhi, there are people who, with a certain degree of unfortunate elation, assert that the Congress has been defeated, at all events, for the time being... But I will claim this for the last great struggle through which we have passed, and history bears witness to it that, in the earliest assertion of the right to freedom, he would be a fool indeed who would expect that the immediate pressure of the very first intensive struggle should result in the achievement of the great objective. The great gain of that struggle is the

moral advantage that you have gained.” As to the new strategy of the Congress, he said: “It is not as a faint-hearted man that I am speaking to you, nor am I asking you to adopt what may appear to be a faint-hearted course; for, there is greater heroism in doing what may apparently appear to be a drearier task than engaging in the heart of a struggle, a struggle which may for the moment evoke greater enthusiasm.” The issue which the representatives of the Congress were going to fight for in the Central Legislature was thus indicated: “We are not going to contest the elections except on one issue and one issue only. Please remember that this is not the type of election with which perhaps you have been daily familiar for the last few years; it is not an election of A against B; it is not an election for the purpose of grabbing power, authority or patronage; it is an election contested for the purpose of establishing national prestige... The one issue on which the Congress wished to contest the elections is whether the country, notwithstanding the physical suppression, still morally stands by the Indian National Congress, or whether it approves of the policy of the Government which has hitherto been pursued, and by which they claim to be the victorious conquerors of the Indian people... I want you to consider that we have not come to you merely for the sake of gains, of office, of patronage or power. We have come to you at the end of a great struggle in order that you may testify your confidence in those who have always stood for you unswervingly, unhesitatingly.”

Speaking at a meeting in memory of Sen Gupta who had died while in prison, he addressed the young men and women of Madras thus: “May I ask each of them a question? Whether they are students at school or whether they are students at college, has it ever occurred to them

that, at the end of the day, they should appoint themselves their own taskmasters? Has it occurred to them that, after an hour of fresh air on the beach, they shall spend another hour in the slums of poor men and poor women so that their lot may become a little better than what it is today, that they shall spend an hour with people who believe that their lives are hardly worth living except merely to crawl into their hut and to crawl out of it? Has it ever occurred to them that the poor in the country are waiting for the smallest service that the richest among us can render? Therefore, service is not reserved for the great; service is not reserved for the select few – service is intended for every single one of us who has the faith and the spirit of self-sacrifice. In fact, even self-sacrifice is not demanded. For, you have simply to steal an hour from the time which you otherwise spend doing nothing. I appeal to all of you in the name of the great dead to dedicate that hour which you otherwise spend in talking, sitting down not knowing how to spend it, sitting down perhaps with your friend or sitting down in a melancholy state brooding over the unfortunate conditions of our land and to pool all your resources to the service of the poor.”

At Bezwada (now Vijayawada), congratulating the Andhra Desha on the contribution it had made during the course of the last great struggle for freedom, he said: “There are some at least among our opponents who are not content merely with saying that Congress had turned a prudent child; but there are many also among them who claim that, during the last struggle, the Congress has suffered a defeat. If it were merely a matter of giving them the pleasure of an acknowledgement, I have not the least degree of hesitation in allowing them to lay that flattering unction to themselves and to their souls, for it is

not for them that we are struggling. It not for them that we are forging our policy. It is for ourselves and entirely for ourselves to take advice unto ourselves as to what is the proper course that the country must follow from time to time until its objective of freedom is attained.

“At all events, I am one of those who did not go into the struggle like a young boy of emotion. I am not one of those against whom a charge could be leveled that he did not understand his business. I am not one of those against whom an accusation can be made that he did not fully understand the implications of the law. It is for that reason that I stand before you to-night to congratulate you on your contribution to that struggle... The great moral of the last struggle has been the great moral assertion, the great vindication that, in a fight against the spirit, all material forces become inoperative... All I can say is that, if we failed to the extent to which we were not able to exert sufficient pressure, it is not the fault of the instrument, but the fault of those who took part in it, because, to a certain extent, having regard to the newness of the experiment, having regard to the freshness of the experiment, and by reason of the long period of subjection, perhaps the support was not such as the struggle deserved and as the time demanded, and therefore it is we who failed Mahatma Gandhi, and not Mahatma Gandhi who failed us.”

Speaking at Vizagapatam (now Visakhapatnam) on the 24th July, 1934, he emphasised the lessons of history in relation to the fight for Indian freedom: “The reason why I prefer to be an agitator is that I have yet to teach you what Indian history is. Both on account of my age and the fact that my earlier profession was that of a teacher. I have a right, at all events without any impertinence, to tell you what the true Indian history is. I am an agitator for this

purpose.... I am a man of the street; I was born a poor agriculturist and had to walk five miles to school at the age of seven with a view to learn the rudiments of Gujarati characters. Therefore, I am of the people, I belong to the people and I understand them and it is through them, for them and with them that my thoughts always turn. If only I can rouse your mind, lift your mind out of the daily struggle for existence, out of small questions, perhaps you would have and I would have to a certain extent met for a common useful purpose. The fundamental thing that every Indian should learn is to realise the value of freedom for itself; for, without freedom, there cannot be manhood, and without manhood, there cannot be an existence worth the name."

At another place, he spoke of the condition in which India was at the time: "Why is India what it is today? It is because of three dominations, two of which at least are entirely in our hands, if not all the three. They are the domination of the Indian mind by its society, the domination of the Indian spirit by its present religion and the domination of the people by the foreign races. That is the reaction which finds us in the condition in which we are today.... I quite agree that the first reaction of foreign rule is the sense of dumbness, a sense of resignation, a sense of almost willing submission, and it continued for a period of hundred years notwithstanding our education. If freedom is a virtue, it cannot be a virtue for only a limited part of the human race. Why is freedom a virtue to be fought for so far as the west is concerned, so that they may be men, so that they may be masters in their own countries, and why is it a crime in so far as India is concerned? . . . Let us take the condition of the domination of the Indian mind by the social conditions

in which it exists. What is the duty that you owe to yourself? Are you going to allow yourself to be dominated in every aspect of your lives by the small, narrow, hard, rigid circle to which you happen to belong, or are going to say that human society on such a basis is but a form of tyranny? The human society which does not rank every single individual member of it as equal to another member is not a society that is based on genuine freedom, and you cannot deny – at least, I do not deny – that every single effort that is made towards the cause of the enfranchisement of our minds from the domination of the society to which we belong does require our first consideration, for, after all, it touches every aspect of our lives.”

Speaking of religious domination, he said: “Perhaps, you are aware, whether you belong to Hinduism, Islam or Christianity, what respect is demanded as a matter of right by every man who puts on the robes of a priest. It is because our minds have become mechanically subject to the *form* of religion and have lost the application of its true spirit, its true purpose of elevation of the soul, and its true and genuine salvation. That is what, in my opinion, and that is now I ask you to look at it, has brought the Harijan movement among us.... It is not religion. It is but the shadow of religion, for, after all, a church is not a church, a temple is not a temple, a mosque is not a mosque, unless it teaches you the purest form of Faith to reach your God in your own way. It is not to be used for mundane, secular, narrow and lower purposes.” He concluded by saying: “If you fight the first two dominations, I have not the least doubt that the third will be nearer achievement. If you begin to realise that your society should be based on such a broad basis that it shall recognise no barrier between man and man,

I am quite certain that freedom in the political sense is a mere matter of effort and time.”

Speaking to students, he emphasised the importance of the assertion of ideas, and not merely lip-service to them. “Of what use is your lip-homage to the idea of liberty, equality and fraternity? What would you have at the end of it all out of your examinations? You grow eloquent when you talk of the Manga Charta. What does it matter if you have learnt the history of England and how the people of the country secured the Manga Charta except for the degree that you bear? What does it matter that you study the history of every country? Have you read about the American War of Independence? The first and initial step and yet the greatest step which brought about the existence of that great democracy was the throwing of a chest of tea into Boston Harbour. A single events like that is the origin of one of the greatest revolutions in the world.... When your great leader undertook a march of 250 miles on foot, meeting every single man, woman and child in the way and ultimately lifted a piece of salt which was the subject of a tax for the Government, not so much as a matter of tax as a matter of assertion of the freedom of the Indian people, how many of you had the courage to join him? One regrets to find that, except a band of a courageous few, many of you had neither the imagination nor the sense of freedom, nor the sense of consciousness that you owe to yourselves! The incident has undoubtedly passed by; but it is the biggest step in Indian history. When that frail man, that great soul, lifted a piece of salt on a sea-shore, if only the people had realised its true significance and the duty they owed to themselves, that would have been the origin of as great a revolution in your own lives, in your own country, as the American Revolution.”

Some of his utterances during the election campaign show the deep impress which association with Gandhi during the last four years had left on his mind.

Bhulabhai was elected to the Central Assembly from the Gujarat constituency in November 1934.

In the Legislative Assembly

BHULABHAI'S labours for the country were notable in two fields of activity. One of them was the field of law, where he rendered signal service in the Bardoli enquiry and the I.N.A. trial. The other was his leadership of the Congress party in the Legislative Assembly, under the Government of India Act, 1919, which began its session in early 1935.

By all accounts, he performed his very responsible and onerous task of leadership with consummate skill. He commanded the confidence of the members of the Legislature belonging to his party – some of them very distinguished men like Satyamurthi and Pandit Govind Ballabh Pant, whom the author remembers to have seen for frequent consultations in Bhulabhai's chamber in Bombay. As we shall see later, he excited the respect and even the admiration of his opponents. As a leader of his party, he acted with restraint and dignity, leaving his able lieutenants in the Assembly to shoulder the burden of many a debate. If parliamentary activity, for whatever reason, was at the time the right strategy for the Congress, it could not have been in abler hands than his. Not only did he shine as a leader, a speaker and a debater, but he showed a number of human qualities which earned him respect from all who came in contact with him in the legislative chamber and in connection with his parliamentary activities. No portrait of him can be complete without a close and detailed look at the manner and environment in which he functioned and what he achieved in the Assembly.

The Congress had fifty-five representatives in the Assembly; but they were divided into two sections. One of the sections consisted of eleven members, who called themselves the Congress Nationalists and were the followers of Malaviya and Aney; the other, the main Congress party, consisted of forty-four members. The Congress party had secured all the general seats from Bengal, but got only one seat in the Punjab. It however, swept the polls in other provinces. "The most outstanding success of the Congress was the defeat of R.K. Shanmukham Chetti, who had made the Ottawa Agreement on behalf of India and was later elected President of the Assembly," and who was strongly supported by the Government. The Independents who were, excepting three of them, Muslims, were led by Jinnah. Then came the large block of nominated officials and non-officials, consisting of twenty-six and thirteen, respectively; and, finally, there was the group of non-official Europeans. Thus, the Congress with its two groups, who, as a rule, voted together, had a majority of five over the Government who could command no more than fifty votes. The Independents, therefore, held the balance, and played, on occasion, a decisive role.

The Assembly of those days was a motley gathering. The Treasure Benches consisted of all the members of the Viceroy's Council, Nripendra Nath Sircar, the Law Member, being the Leader of the House. There were, of course, the nominated officials and non-officials, who, with rare exceptions, supported the Treasury Benches by their votes and, on occasion, by speeches. The strongest members on the Treasury Benches were Nripendra Nath Sircar and the Finance Member, Percy James Grigg. Sircar was a distinguished member of the Bar in Calcutta with a reputation of an able lawyer with a very lucrative practice. If he had any politics, it aligned itself with

the outlook of the Hindu Mahasabha. His thinking, on the whole, was against the Congress. He was a good speaker, terse, effective and capable of making most of his brief. What is more, he had a mordant tongue, which he did not hesitate, if need be, to employ against anyone. He was fearless, had the courage of his convictions and was not afraid of calling a spade and entering, when necessary, into a verbal duel with any opponent. Grigg was a British Civil Servant and was one of the rare instances of a Home Civil Servant translated to India to take up one of the highest posts open to the members of the Indian Civil Service of those days. The British members constituted the majority of the Indian Civil Service members during those years, and the highest plums of office hardly ever fell to the lot of the Indian members of the Service, though, legally and constitutionally, there was no bar to such preferment. Grigg had a good deal of experience of the British Treasury behind him and had spent a number of years in the Board of Inland Revenue, having made himself an authority on income tax questions. He was a person of pugnacious character, who neither feared nor hesitated to pick a quarrel with anybody. It has been said that he could, with great ease, bring himself down to billingsgate level, should the contest in which he was engaged open up any scope for such a performance. The large number of British business men selected by British commercial constituencies was led by Leslie Hudson for some time, and, later, by L.C. Buss. Among those representing the Congress, apart from Bhulabhai, there were several distinguished Congressmen. We had Satyamurthi Govind Ballabh Pant, V.V. Giri, Sri Prakasa, N.V. Gadgil and Anantasayanam Iyengar.

There was in those days no Muslim League party as such; but there were a number of prominent Muslim members who looked on politics mainly from the Muslim angle. These

were Jinnah, Abdur Rashim, Mohammad Yakub and Ziauddin Ahmed. There were also a few landed gentry such as the Raja of Kollengode and Cowasji Jehangir from Bombay.

An early debate on an adjournment motion on the 22nd January, 1935, in which Bhulabhai took part, shows him at his incisive best. The occasion was the question raised by Bardolai of Assam with regard to “the conduct of the government in preventing Sarat Chandra Bose, an elected member of this Assembly, from attending to his duties as a Member of this House and thereby seriously infringing the privileges of this House and depriving the constituency which elected him of its right to be represented in this House”. The motion having been admitted as being in order, the Chairman of the Assembly, Gidney, wanted the members to confine all speeches on the important matter “which is pregnant with controversy entirely to that aspect of the question which governs and concerns the privileges associated with it and not with anything else as regards the law or its operation that led to the incarceration of the gentleman in question”. Jinnah wanted the Chairman to say what really was intended by the expression ‘privileges’, as, in his view, it was an undefined term. The Chairman explained the term as “the enforced absence from this House of one of its Members and a denial to him of enjoying the privileges of a Member”.

At a very early stage in the course of the debate, the Law Member made it clear that the Central Legislative Assembly was a subordinate legislature and had no privileges except those conferred on it by statute. He referred to the statements in authoritative books which laid down that the Supreme Legislative Council or Assembly in the Colonies had not the privileges of the House of Commons in England. The right of freedom of speech enjoyed by members of the Assembly was conferred, according to the

Law Member, by the Government of India Act. In substance, he contended that the right was a statutory right of the individual, and not a privilege of the House. Lalchand Navalrai, a Member from Sind asked, "Does that exhaust it?" – meaning thereby if it exhausted the law of privileges. The Law Member facetiously remarked: "That does not exhaust; but it exhausts the patience of Mr. Lalchand Navalrai!", which caused laughter. The Law Member then went on to say "that it does not exhaust, because, in the year of grace 1925, with the assistance of Mr. Lalchand Navalrai, I believe...." Lalchand Navalrai immediately rose to say that he had come into the House only in 1928. Thereupon, the Law Member sarcastically remarked amidst further laughter: "I regret without the valuable assistance of Mr. Lalchand Navalrai, a statute was passed – Act XXVIII of 1925. Under that statute, a man cannot be kept in custody in execution of a civil process if he happens to be a member of this House." The Law Member emphasised that the Act became necessary, because the House had no privileges of any kind and that privilege was conferred by the statute. He went on again in a sarcastic vein with a dig perhaps at the Congress members: "Therefore, that right members have, and they cannot have the hospitality of His Majesty in any prison so long as the Assembly is sitting." Towards the end of his speech, the Law Member pointed out that, before the summons to attend the Assembly was issued to Sarat Chandra Bose, he was under no obligation to attend the Session. If Bose had said that he had no desire to attend the House, no adverse consequences would have followed. Therefore, notwithstanding the language in which the summons was couched, it was clear that it had not the effect of compelling his attendance in the House.

Bhulabhai followed the Law Member in a forceful speech, which, as the official report describes it, was received by the House with repeated applause. In this, his first important speech, he explained that there were two categories of privileges: (1) “The privilege of the House in so far as it arrogates to itself an authority to judge and an authority to enforce as against an offender”; (2) “The privilege of the House in so far as an individual has rights, which may or may not be respected by a Government of the type that we have in this country today.” He emphasised the point that, if the statute had not conferred any privileges on the House, neither had any law imposed any disqualification against a Member who was interned by an Act like Regulation III of 1818, under which Bose was detained. He described the Regulation as “the most atrocious of the lawless laws that exist”. Further, with rare imagination and vision, he asked the Members of the House to “start the commencement of that great Common Law of this land by creating the privileges of this House”. Of course, he well knew that the particular claim of privilege would be met with defiance by powers which were undoubtedly exercised by the Executive then in charge of the affairs of the country; “for, we cannot forget and we must not forget that it seems to be – and it is a very unfortunate state of mind in those who govern this country at present – a sort of continuous hostility between the Government on the one hand and the rights and privileges of the people on the other”. He indignantly asserted that such difficulties did not and could not arise in any other country. He pointed out to the Government that such defiance on their part was not a sign of courage; it was rather a sign of growing diffidence and a desire on their part to prevent the presence of persons properly qualified and properly elected and capable of rendering assistance to the House which they were entitled to give. He also said

that, when a summons was sent by a Court of Justice, the accused was brought (undoubtedly, under guard), and in aid of Justice even the prison-door was opened and he was brought to the bar of the Court in order that he might assist in the administration of Justice. He was, therefore, surprised that the House should be told that a person who was not convicted of any offence, but was merely detained by an executive order, had a lesser privilege to come and assist in as great a purpose as, if not greater than, that of assisting a Court. He appealed to the House to say that Bose had "a privilege higher, greater and more sacred and more useful to be protected". It was a sincere and impassioned appeal to the House typical of a distinguished lawyer, and yet, was couched in language which was neither bitter nor provocative. Though it was clear that the law as it stood treated the Assembly as a subordinate legislature without any privileges attached to its members, he put the issue of 'privilege' on a higher level by an appeal to his colleagues to support the motion on the broader ground of patriotism, discarding the narrow confines and rigidity of the law.

The next speaker was Jinnah. His practice, it appears, was not, as a rule, to initiate a debate on any subject, but rather to intervene in any important debate initiated by other members, in which he used to the fullest advantage the points dwelt upon by previous speakers. His speeches, read years later, do not create much of an impression; and yet, there was no doubt that, by his gestures and his manner he created a feeling in those who heard him that he had made an important contribution to the debate. It was difficult to hear him display any sustained argument in his speech. It often consisted of rhetorical questions, which, at times, he answered himself, but often left unanswered, suggesting that no answer was possible. On this occasion, making a

statement that Sarat Chandra Bose had been arrested in January 1932, he went on: "The Hon'ble Member will correct me if I am wrong, because that is my information on the subject." The Law Member, Nripendra Nath Sircar, said that it was almost right and that it was in February 1932 that he had been arrested. Jinnah, in his characteristic manner, made most of the point that he had been arrested as far back as February 1932, and yet, had not been brought to trial. Said he, "That was in February 1932, and we are now in January 1935. He was arrested under what? Under a Regulation, I think I am justified in saying that he has challenged the Government to put him on his trial. The Government have refused it." Here, a number of members cried: "Shame, Shame". He proceeded, "Very well. His constituency duly formed under a Statute have elected him." This short extract is characteristic of Jinnah's manner of debate. His remarks consisted of short, pithy sentences, sometimes not even a complete sentence, but a few expressions. But these were leveled at Government with great effect, putting the blame on the shoulders of the Government squarely for having done nothing to put Bose on trial since his arrest and then taking advantage of his detention to prevent him from attending the House to which he had been duly elected. "Assuming for a moment" that no privilege existed, they had certainly the right to examine the conduct of Government: had not they the right to say, "Your conduct is such that we have no other option but to pass a vote of censure?"

The question of 'privileges' of the Assembly had been examined some years previously by a Committee presided over by Muddiman, the then Home Member. Jinnah referred to certain recommendations of that Committee and blamed the Government for creating a vicious circle. "The privilege

does not exist. The Government have got power under the Regulation to detain any man by executive order indefinitely and without any trial, and, therefore, he cannot attend to his duties – private, public or the duties of this House. Therefore, this House has got no voice, and the individual in question no remedy, and everything is out of order and the Government can do what they please and it is all perfectly all right!” He went on to say that that was an impossible position and, therefore, they had the right to censure the Government for their conduct. These short extracts from Bhulabhai’s and Jinnah’s speeches help to bring out the difference in the outlook and the manner of the two leading lawyers in the Assembly in dealing with the topics that came up before the House.

As the debate was coming to a close, the Home Member dexterously tried to win over Jinnah and his supporters to the Government side. He argued that Jinnah had admitted that no privilege of the House existed and that he was not attacking the Government for doing anything that infringed the privileges of the House. The Home Member observed that, with one hand, Jinnah had pulled the Congress out of the bog and with the other he had extracted from his pocket a magnificent specimen of the red herring which he drew across the trial by attacking the Government for not repealing the obnoxious Regulation of 1818. This brought Jinnah to his feet. He said he had never suggested that the Act should be repealed. His grievance was that the Government was using the Act in such a manner that the House was entitled to pass a vote of censure on its conduct. The Home Member mellowed down to his persuasive manner, and, with an apology, conceded that the red herring was not the repeal of the Regulation, but the manner in

which the Government had used it. Notwithstanding the skilful attempt of the Home Member to prevent Jinnah and his group from voting with the Congress, Jinnah maintained his critical attitude towards the government. When ultimately the question was put to the House, the Government was defeated by 58 votes against 54.

Bhulabhai's debut in the Assembly had roused keen interest and it is said that two ex-Presidents of the Congress had travelled long distances to watch his performance. He more than met their expectations. Under his leadership, his own party worked as a team, several members specialising in selected fields such as finance, commerce, defence and education. He intervened in debates only when necessary, speaking with vigour and authority, but avoiding harsh language and acrimony. His relations with Jinnah, the Muslim leader, with whom he had a great deal to do at the Bar in Bombay either as a colleague or as an opponent, were cordial. He was respected by the Treasury Benches who appreciated his clear thinking and lucid expression. The hard-hitting Grigg, the Finance Member, who had occasion often to cross swords with the leader of the Congress party, has an interesting passage about his relations with that party in his autobiography:

Oddly enough, I found that the Congress people never minded plain speaking, so long as they were convinced of the sincerity of the speaker and so long as there was no patronage or race-superiority in his utterance. Of course they had no inhibitions about attacking me in return and they thought it legitimate to trip me up and score off me whenever they could. But, though I was thus, in public, their main opponent, in private I got on to very good terms with them, and especially with their three very diverse leaders – Mr. Bhulabhai Desai, Pandit Govind Ballabh Pant

and Mr. Satyamurthi. Indeed, my personal relations with political Indians were, on the whole, agreeable, though not always placid, all the time I was there. I am not sure that the official British in India did not regard it as regrettably vulgar on my part to go into the ring with Indian politicians and certainly, the more mediating of the European business men thought I was endangering the cause of accommodation in India by telling the truth without fear or favour. It is quite true that Indians are a very sensitive race; but I do not believe they resent open and honest controversy. They are driven almost to frenzy by 'high-batting' and they resent Englishmen being too clever with them, but I make it my business never to practice either of these habits.*

In February 1935, the House had to deal with an important motion moved by its leader. Nripendra Nath Sircar, to take into consideration the Report of the Joint Committee of Parliament on the Indian Constitution Bill. The atmosphere in the Assembly was full of excitement. The ferment in Asiatic and African countries which had followed the First World War and their desire to shake off foreign domination had made the proposals made by the Committee of Indian Constitutional Reform wholly inadequate. The recommendations were not only inadequate, but had caused differences and dissensions among various political parties. It was also somewhat ludicrous that, while the Central Legislative Assembly was yet discussing the Report of the Joint Parliamentary Committee the British Parliament itself should have published a Bill giving effect to the Committee's recommendations. A number of amendments were moved to the motion made by

**Prejudice and Judgment*, P.J. Grigg, Jonathan Cape, London, 1948, p. 283

the Leader of the House, of which those notices of which had been given by Bhulabhai and Jinnah were the most important. Bhulabhai's amendment called for the substitution of the following for the original motion:

This Assembly is of the opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a constitution will retard, instead of furthering, the political and economic progress of India, and recommends to the Governor-General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.

As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award.

The amendment of Jinnah called for the acceptance of the Communal Award so far as it went, until a substitute was agreed upon by the various communities concerned. It characterised the scheme of 'Provincial Governments' as "most unsatisfactory and disappointing", giving reasons for it; and, with respect to the scheme of the Central Government, it expressed the view that "it is fundamentally bad and totally unacceptable to the people of British India". It called upon the British Government not to proceed with any legislation based on that scheme, and it also asked for the establishment in India of "a real and complete Responsible Government".

Bhulabhai made a masterly speech, which showed a close study of the Report and the problems underlying

constitutional reform in India. Referring to the observation of the Leader of the House that the amendment moved by him was destructive, he said: "I have been familiar with many phrases both in journalism and in public life; but I wish to remind him that the Trinity which he and I worship in common – the Creator, the Preserver and the Destroyer – is typified in human life itself. It is the embodiment of Soul which consumes itself in its activity only in order to recuperate itself from time to time, and if we destroy at all, we shall destroy only in order to build better. It is in that spirit that I rise to move the amendment that stands in my name." Referring to the changing attitude of the Indian people towards British rule from time to time, he admitted that its first impact in India "produced almost a willing submission and an acceptance of British rule as if it were a beneficent event". He pointed out, however, that events during the last thirty years of British rule had produced a complete reaction. "India joined Britain in fighting the Great War by placing her men and her resources at the disposal of Britain. We fought for the freedom of Britain; but we were also told then that that was not the only direct objective and that the war was fought for the establishment of the principle of self-determination of subject races of the world. Promises made from time to time during the course of this great struggle have a tendency either to be forgotten or to be repudiated or to be whittled down." The principle of self-determination was, however, never given effect to and the third stage was reached in the history of the British rule in India – the stage of struggle in the "hope and in the belief that at least it will show the earnestness of the people of India to deserve what they desire, viz, the self-government of their own country and their affairs".

Having quoted an extract from the Report, Bhulabhai repudiated with emphasis the suggestion that religion, race or language raises differences which have a disrupting effect. He contended that the history of the world today and of the greatest democracies was evidence to the contrary. The only things “that unite the national consciousness of the people are political and economic interests”. He referred to the United States of America where men drawn from various races in every single part of the Continent of Europe stood as one great solid political unit respected and feared by the world. He also referred to Switzerland as a country where history showed that language was not of any relevance for the purposes of political unity between different units. “I have yet to learn,” said he, “that language has anything to do with division between the races for purposes connected with political unity.”

He emphasised that religion was a matter between man and God and that “it cannot be debased for purposes of the division of spoils of a mundane nature”. He referred to the minority representations by reserved constituencies started in the year 1906, with which began an insidious tendency to harden and strengthen the racial divisions and the poison it contained had a soporific effect for the time being. He turned the tables on the Leader of the House by saying that he was glad to hear him say that there was little or no difference between the position for which he stood and the position of his friend. Jinnah, and went on to say that this was not merely a matter of compliment, but that it gave him strength and alliance which he valued and welcomed. He claimed that the result of the election and welcomes. He claimed that the result of the election that the Constitution offered to the Indian people has no purpose to serve, in so far as they were concerned.

Dealing with the merits of the Constitution, he referred to the Round Table Conferences and challenged their representative character. He proceeded: "Where we asked for bread, we got a stone. The results of those conferences are the disillusionment of perhaps its greatest exponent, its greatest supporter, my friend Sir Tej Bahadur Sapru, who came and said: 'The course of events has shown me that my only proper place is the obscurity of a provincial lawyer.'" Tej Bahadur Sapru, it was pointed out, had also declared: "I shall not have any Constitution for my country which is divided into parts, which is capable of being examined in parts and which is capable of being received and rejected in parts."

In his view, the major defects of the new Constitution lay in dissociating the people from "(a) the right of external and internal defence and all measures for that purpose; (b) the right to control our external relations; (c) the right to control our currency and exchange; (d) the right to control our fiscal policy; and (e) the day-to-day administration of the land". He asked: "With what sense of responsibility, with what sense of honour and with what sense of self-respect and with what hope could we look forward to the future under such a Constitution?" Referring to Jinnah's observations and attitude to the provisions of the Constitution for the Provinces, he said with great deference to him that there was little to choose between the part relating to the Centre and part relating to the Provinces. He called the so-called Provincial Autonomy a mockery.

Addressing his friends, 'the Europeans', whether in the services or outside, he said: "If they are true to the traditions of their great race, if they are true to the promises that their race has made, if they are mindful of one small event, I hope they will remember that it is the

wealth of India and the markets of India which have given Britain the place that she has among the races of the world to-day.” He proceeded: “It is not gratitude, I ask; but, may I not appeal to them that they might do to us what we did unto them?” He asked: “Is it not time now that they should join their Indian brethren in demanding that the time has now arrived, when, having got all, having got more than all for establishing themselves in a premier place in the world, they should take the credit in participating in our demand that India shall be free and immediately free?” He said: “On this historic and critical occasion, I feel that whatever happens – for, indeed, I am aware that defiance to the will of the Indian people has not been uncommon – today I speak with earnestness, with humility, and I hope and trust, with sincerity, so that you may judge the amendment that I have placed before you in the spirit in which it is presented.” He further went on to say: “Whatever happens, let this certain voice of India go out that this Constitution is futile and does not serve the purpose of reconciling them.” His closing words were: “And if that is so, may I appeal to the House to say that, even if we have no power to compel the grant of what we want, we have certainly the self-respect to repel what we do not want?”

Several speeches followed, among which Jinnah’s may be referred to. He said that the reason why he was not invited to the later sitting of the Round Table Conference was “because I was the strongest opponent of the scheme that was being constructed, from the commencement, and not that I have become an opponent because I was not invited to the Third Round Table Conference”. Referring to Bhulabhai’s amendment, he said, he could not subscribe to the position taken by the Leader by the Leader of Opposition, as it was a pure and simple negative. As to the

Communal Award, he pointed out that this amendment accepted it “and, remember, until a substitute is agreed upon between the communities concerned”. He went on to say: “Speaking of myself, personally, I am not satisfied with the Communal Award, and, again speaking as an individual, my self-respect will never be satisfied until we produce our own scheme.” Trying to meet Bhulabhai’s complaint against race and language being allowed to come into politics, he said: “Language does not matter so much, I agree with him; if taken singly one by one, religion is merely a matter between man and God. I agree with him there entirely; but I ask him to consider this: Is this a question of religion purely? Is this a question of language purely? No, Sir, this is a question of minorities and it is a political issue.” He pointed out that the question of minorities had existed in other countries as well. Minorities meant a combination of things and a combination of all the various elements – “religion, culture, race, languages, art, music, and so forth”. All these made the minority a separate entity in the State, and that separate entity, as an entity, wanted safeguards. “Surely, therefore we must face this question as a political problem: we must solve it and not evade it.” Jinnah’s speech, on the whole, was well received, and a number of his remarks brought forth loud and prolonged applause from the House.

After several other speeches, the Leader of the House, Nripendra Nath Sircar, delivered his reply. His was a fighting and fierce speech, attacking the principal participants in the debate – Bhulabhai and Jinnah. The main fire of his attack was, however, directed against Jinnah, and in the course of his speech, there were many a verbal tussle between him and Jinnah. Sircar said that he had

listened to the speech of his friend, Bhulabhai, with rapt attention and with respect. He admired his diction and the delivery; but he said that it reminded him of the story of the famous French advocate in the seventies who had to defend an accused and had really no answer to the prosecution case. It was a jury trial and the advocate was a brilliant speaker. As he had hardly anything to say in defence of the accused, he talked about patriotism, the national honour of 'France, and drew a lurid picture of the ravage and destruction which would follow if the efforts of the enemy, who was then near the land, succeeded. As a result of this impassioned appeal, the emotional Frenchmen forming the jury had begun to sob and the advocate concluded his speech by saying that, having regard to what he had said, there was only one course open to them. Namely to acquit his client honourably, Sircar added that that was what would have happened, but the judge was rather hard-hearted. He saw the situation and postponed the verdict till the next day. After a night's reflection, the jury had discovered that there was nothing said about the case and they returned the proper verdict, finding the accused guilty. Sircar twitted Bhulabhai on his reference to the Trinity – the Creator, the Preserver and the Destroyer. He had heard a lot about destruction and he was hoping that he would also hear something about construction; but he had not heard a single word about any alternative constructive scheme which could replace the Joint Parliamentary Committee's Report. He said that they were, at the moment discussing from a concrete point of view the realities of the situation and while all the talks might be the height of philosophy, might be very good reading, "they are as useful for present purposes as the Sermon on the Mount". He referred sarcastically to Bhulabhai's reference to the United States and Switzerland as illustrations that religion,

race or language had not created differences or disruptive effects on human society and stated that the parallel was not very apt. He said that, in spite of rejection, the Constitution that was given to India would be worked out by the people as nobody had the courage to say that if the Resolution was passed they would not work the Constitution. "I don't hear any contradiction even now, and I ask the Hon'ble Members to consider what is the object of passing a futile Resolution when we know that this really means nothing." He compared the speeches on the side of the Opposition to blank shots which would create noise and raise some amount of smoke, but not hit anybody.

The debate remained lively and held the attention of the House till the very end. Out of the twelve amendments which had been moved, the President put to vote at first the amendment of Bhulabhai, the effect of which was to reject the whole Report lock, stock and barrel. Sixty-one members voted in favour of the amendment and seventy-two against it, so that it was lost. The other amendments were thereafter dealt with, having been split into parts. The House having expressed by its vote its opinion on the several parts, the President ruled that "in the peculiar circumstances of the case, it is not necessary to put any further question to the House", and the Assembly was adjourned.

A little later came a Resolution moved by B. Das that "The Governor-General in Council take immediate and necessary steps to remove or cause to be removed the ban on Khudai Khidmatgars' organisation in the North-West Frontier Province." A large number of speakers took part in the discussion. It was significant that excepting the mover and two other members including Bhulabhai, all the other speakers were Muslims Speakers from the Treasury

Benches, all Britishers, strongly opposed the Resolution. The Indian members joined a support of it. Bhulabhai made a short, but powerful speech. He said that the reason which, among others, "impelled me to associate myself with this Resolution is the fact that perhaps with the single exception – or not even with the single exception – of the Hon'ble Member from the North-West Frontier, I was perhaps the last man who was closely associated with Khan Abdul Ghaffar Khan before his last conviction and incarceration, for a speech which was unearthed some three or four months after it was made." He further said: "Somehow or other, for a long period after that speech was made, it never occurred to the Government that there was anything in it to prosecute Khan Sahib upon it; and yet, one fine morning in Wardha, he was arrested for a speech that he delivered before a Christian Association only for the purpose of giving an honest account of what had occurred, to his own personal knowledge, with reference to the movement which he represented and of which he was the leader during the three or four years that he was associated with it. The first question after his arrest that he asked me as counsel was, 'If truth can be defence to the charge, I am quite prepared to stand the trial and prove every single statement that is made in that speech.' And indeed, it amazed an honest Pathan to be told that he could not, that he might bring the Government into contempt and ridicule even if he told the barest truth." Bhulabhai referred to the indefensible action of the Government in these words: "If the strong arm of the Government merely means this that strength shall be applied in order that there may be no organisation in this land for the purpose of seeing that the land maybe strong, that it maybe consolidated, that it may progress and that it maybe powerful, that strong hand is something

which must be indeed sinister in itself.” He concluded by stating that he had associated himself with the Resolution “having as I do and holding as I do, the highest personal opinion of Khan Abdul Ghaffar Khan as a man, powerful, truthful, just and prepared to suffer the worst in order only that truth may prevail.” Jinnah also supported the amendment, exhorting the Government in appealing phrases: “Do restore peace in the North-West Frontier Province, bring them back to constitutional methods and, what is more, respond to the all-India feeling in this House. I tell you it is not too late for you. Win them back and restore real honest peace and goodwill in the North-West Frontier Province.” In retrospect, these thoughts expressed by the architect of Pakistan and echoed by other Muslim speakers of the Assembly of those days, sound strange in view of the present relations between Pakistan and Pakhtoonistan, of which ailing Khan Abdul Ghaffar Khan even in his old age is the undaunted champion. The Resolution was passed, seventy-four members supporting it and forty-six voting against it.

We have seen enough of Bhulabhai’s activities in the Assembly to appreciate the great part he played in it as a speaker and a debater and also the patriotic service he rendered to the country in the Assembly. There were other important debates in which he participated during the time he represented the Congress party in the Assembly to which we shall refer later.

Bhulabhai did not take an active part at question time in the Assembly. He left the questioning activity to other members of his party, both the senior members and the rank and file. This opportunity fully utilised by the Congress party, not unoften put the Treasury Benches in an embarrassing position. Indeed, Satyamurthi and Avinashalingam Chettiar

very nearly monopolised the question-time, initiating the questions themselves or asking supplementaries.

In the remaining part of the first session of the Assembly, Bhulabhai also took a prominent part in the discussion of the Railway Budget, which started on the 22nd February, 1935. Speaking on Demand No. 1 of the Railway Board for a sum not exceeding Rs. 8,25,000 moved by the Commerce Member, Bhulabhai moved that the demand under the head 'Railway Board' be reduced to Rupee One. He took this opportunity to answer the observations of the Leader of the House, who had, in the course of the discussion of the Joint Parliamentary Committee's Report, caused amusement in the House, at Bhulabhai's expense, by relating the story of the trial of an accused before a French jury and court. His retort was that it was actually the Treasury Benches who were drugged. The process of drugging, otherwise called intoxication of power, had proceeded day in and day out, with the result that, diction or no diction, reason or no reason, they knew exactly what would have happened at the end in spite of the vote of the House. This touched the Leader of the House who struggled to smother the reply, relating as they did to a subject matter not under discussion.

The main point of Bhulabhai's attack was the provision in the Constitutional Reform Scheme, as a result of which the railway authority would be taken out of the purview of comments by the Central Legislature and which would make it possible for the Viceroy to over-rule any decision of the Legislature. He ruthlessly attacked the Railway Board, its policies and practices. He took them to task for excluding Indians from the management of the railways and training them for the 'purposes of their own asset'. He

emphasised that the use of the word 'Indianisation' was itself a condemnation of Government policies. "Why should it be possible", he asked, "that Indianisation should be a word at all in any language?" They had not heard of 'Britishisation', or 'Frenchisation', or 'Japanisation'. He wanted the word 'Indianisation' to be scored out of the records of the debates of the House until the time arrived when Indians shall manage their own affairs when "Indianisation' shall not be a word of process, but shall be a word of actual fact, and then and then alone. Sir, the Members of this House will ever be satisfied." These incisive words of Bhulabhai drew applause several times. Other speakers followed and a reply to the debate was made by Joseph Bhore, the Commerce Member, on behalf of the Government. It is significant that when the voting took place, Bhulabhai's motion was supported by seventy-five members, European members and Government nominees voting against it. The motion adopted was "That a reduced sum not exceeding Rupee One be granted to the Governor-General-in-Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of the Railway Board."

In 1936, Bhulabhai took an active part in the discussions on the Indian Companies (Amendment) Bill, which resulted in the passing of the Indian Companies Act, 1936. He was a member of the Select Committee, to which the Bill was referred for examination. In his speech in support of the motion that the Bill be referred to a Select Committee, he drew upon his vast experience in commercial and company matters acquired in the course of his practice at the Bar. He formulated a basis for the remuneration of managing agents, which has, broadly speaking, since held the field.

He was of the view that: "In future, the fortunes of managing agents should be coupled with the fortunes of companies, and to find the best way and the easiest way to provide, so far as remuneration was concerned, excepting the question of office maintenance, it should be worked on no other basis than the net profits earned by the company." He suggested a period of twenty years as the normal duration of a managing agency. He condemned the practice of the packing of board of directors with persons who were more or less the nominees of the managing agents. He was against the directors being made irresponsible and pleaded for eliminating the indemnity clause in their favour. He said: "No shareholder ever understood the effect of it." He did not want the directors to get away, relying on the integrity and knowledge of their executive, and to urge that they were not responsible for any loss or damage. He also made certain constructive suggestions about the borrowing powers of the directors. He wanted the highest standards to be maintained about the keeping of accounts and the appointment of auditors and he wanted the auditors to owe "in one form or another an independent obligation to the shareholders". He suggested measures to prevent the floating of mushroom companies, but would not condemn a company merely because it was making losses. As he put it, "a company might continue to show losses for a period of years; but, as long as the substratum of the company is not gone, it should continue." After making numerous suggestions in respect of the Bill which was being referred to the Select Committee, he said: "I have only indicated them in the hope and belief that our minds must go back to our past experience and that, as it is not uncommon in some parts of the House to quote poetry, I may wind up by saying:

“Men may rise
From the stepping-stones of their dead-selves
To higher things.”

A very striking role was played by Bhulabhai when the Insurance Bill, which ultimately became the Insurance Act of 1938, was before the Assembly. It is difficult, in these days when the life insurance has been nationalised, to appreciate the bitter controversy which raged in the Assembly over the Insurance Bill moved by the Law Member, Nripendra Nath Sircar. During his legal career, Sircar had seen at close quarters the evils practiced by some Indian insurance companies and he had endeavoured to clean the Augean stables and save poor people from exploitation by unscrupulous businessmen in this field. Having been given the opportunity as a Law Member to remedy these abuses, he brought forward before the Assembly the Insurance Bill. There were several vested interests which thrive on the insurance business and their representatives had gathered in full strength in Simla when the Insurance Bill was taken up for consideration in August and September, 1937. It was a delight to listen to Sircar's speeches in the course of the debate. He had made himself a master of all the detailed provisions of the Bill and he could express himself exceedingly well and in concise, but lucid terms. Nor did his incisive and biting language and his sense of what was described as 'bitter, sweet humour' fail him when the occasion arose. Dealing with the malpractices of the managing agents, he observed: "I admit that I do not belong to one of the martial races according to Government classification, and I confess that I have a mortal dread of three animals whom a kind Providence in its inscrutable ways has brought into existence; and those are the tiger, the snake and the Managing Agents of insurance companies."

Bhulabhai took part in the debate on several occasions, both at the consideration stage as well as later, on individual clauses of the Bill. It was a colossal task. There were some one thousand amendments moved by various members representing different sections of the House. At the beginning of his speech on the Motion for taking the Bill into consideration, he pointed out that, although it was suggested that it was a non-political measure, it could not be free from politics in the political conditions which then existed. He referred to certain advantages enjoyed by the British Insurance Companies due to the political domination of India by Great Britain. At the same time, he made it clear that it was the object of the party which he had the honour to represent in the House to reconcile several interests which participated in the insurance business, as he felt that, in the end, it was the wise reconciliation of all these interests that would make the insurance business in India prosperous. He expressed both regret and resentment at the attitude of the European group in the Assembly who wanted to take advantage of certain sections of the Government of India Act to protect themselves from certain clauses of the Bill. It was protections of this kind that were "very, very costly" in the long run. He told them that what could really protect them was the goodwill of the people which they must cultivate, and not statutory restrictions. He pointed out the need for the insurance companies to build up suitable reserves invested in trust securities and reduce their expense ratio by limiting the commissions payable to agents. He was in favour of life insurance companies having no managing agents, subject, of course, to non-interference with existing contracts. He came in, however, for a good deal of criticism for having a soft corner for the existing managing agents and for giving them undeservedly long-

period grace, his suggestion being that a period of five years should be given in respect of existing contracts. He exhorted the House to remember the policy-holder every time and his main endeavour was to aim at the reconciliation of all interests and the promotion of Indian insurance business.

Jinnah took up a strong attitude on the question of managing agents and was against giving them any further lease of life. He expressed disapproval of the proposal of the Leader of Opposition to give the existing managing agents life of five years in the name of justice and mercy. He countered Bhulabhai's argument that the existing contracts could only be ended by going to a court of law, by stating that the House was entitled to put an end to them. "Why should we go to a court? The courts only administer and interpret. We are responsible for making the laws."

The concluding portion of Bhulabhai's speech on the third reading was characteristic of the man and his philosophy in life. He said: "In all legislative measures of this kind, it is not possible to satisfy all interests, any more than it is possible to satisfy two suitors who imagine that each one has a claim larger than what he has got. But, in the long course of my career at the Bar, I have, to a large extent, recognised that life is a matter of compromises; for, indeed, if each of us wanted to stand in the same place as the other, having the freedom so to do, it would be impossible. And it is impossible to prove that the compromise we arrived at is good or bad, because that can only be proved by an impossible process, and you must fight it to a finish and lose it when there is no question of compromise left, so that the value of a compromise depends on the judgment that you form as to the future and the confidence in your integrity and in the

ability of those to whom the task is entrusted. In that spirit, we have worked in support of this Bill, and, in that spirit, I commend it to the House.”

Bhulabhai was still strongly of the view that the real key to self-government or independence for India lay in the rapid Indianisation of the army – a view which he had expressed, as we have already seen, as far back as 1927. Speaking to the Assembly on 2nd September, 1938, on a motion for the appointment of a Committee, he put forward the Indian demand in clear and emphatic words:

It is our definite demand that there should be an Indian army officered by Indians and no part of the British army shall remain in India.... and it is with that background that we want this Committee – not for the purpose of tinkering with raising the pay of the Indian officers and bringing them up to the level of the European officers, so that we may be made to pay more....our definite demand is that, within less than fifteen years, the whole of the Indian army should be officered by Indians. Secondly, our definite statement is that you have not treated us fairly and properly and have not carried out fully what you promised to do, though you may have a few favourite Indians in the army who have been treated as equal fellowmen or at least in their servility they so believe. We say definitely that you have made every effort to degrade them, to humiliate them and to compel them to resign, and, ultimately, if possible, to dismiss them. That is the history, according to us, of your ‘implementing’ the terms of the Skeen Committee recommendations. Our demand, therefore, is that the Indian army shall be entirely officered in fifteen years’ time by Indians alone,

and, secondly, there will be left no question of disparity at all.

His activities in the Assembly continued to almost the end of 1938. Towards the end of 1938, the bells which tolled the advent of the Second World War were already ringing. Speaking in September 1938 on the League of Nations, Bhulabhai referred to the meeting that was taking place on that day between Neville Chamberlain and Hitler:

Today, Mr. Neville Chamberlain is meeting Herr Hitler and a great issue is involved in this meeting. I am afraid, Mr. Chamberlain is going to, what I may call, sell Czechoslovakia for the purpose of maintaining his own freedom and of the British Empire by possible tampering with the liberties of the Czechs. Czechoslovakia came into existence as the result of the Treaty of Versailles, and he would be a bold man to-day who could say that the purpose for which Mr. Chamberlain is meeting Hitler is not what I suspect. Lest Britain should lose what she already possesses, she is now crying for world peace, not so much in the cause of freedom as so much in the cause of preserving her own Empire.

Now that we have reviewed Bhulabhai's debut and performance in the Assembly, we may turn to an assessment of his qualities as Leader of the Congress party in the Assembly and his powers of debate and repartee. As we have seen already, he started as a Liberal politician and was never drawn to the extremist group in politics. Notwithstanding his liberal tendencies, once he entered the Congress fold, he was completely loyal to the Congress policies and fought many a battle royal in endeavouring throughout the time he was in the legislative chamber to support these policies. His speeches, however, particularly

those on the Companies Bill and the Insurance Bill, showed that he was no slavish supporter of all the Congress slogans and catchwords. While wanting to eradicate abuses, he had always an eye to methods which would be consonant with fairness and ideas of natural justice.

Though not tall, he had an appearance which would attract attention in any society or group of people. While genial and affable, he was no back-slapper. He had a sensitive, intellectual face and a clear and melodious voice. Whenever he rose to speak in the Assembly, the House filled up rapidly. With his hands locked behind, with his long coat reaching below his knees, with his head slightly bent forward. He resembled in appearance some Roman Senator in the days of ancient Rome. He commanded a mellifluous flow of language, a choice of diction and an occasional sense of humour, which, far from offending anyone, evoked the goodwill of the audience. By all accounts, he was a good party leader and encouraged team-work. He never coveted or forced himself into the limelight, but gave ample opportunity to all the members of his party to play their part on all occasions – at question-time, in debates on bills and in moving adjournment motions. He was immensely popular not only with his party, but with the Treasure Benches, with the Muslim members and all other sections of the House. There was no aloofness or arrogance in his behaviour inside or outside the House, and yet, no one could take any liberty with him. There was always a certain amount of reserve which stopped people from becoming too familiar with him. In small social parties, he was a good mixer and helped, in his own way, to make them a success. He was often the soul of such parties, and, being a good *raconteur*, he often made the parties amusing and enjoyable.

Though he was a good speaker, he was, like many other notable speakers, not free from certain mannerisms. It was said of Asquith that the expression 'if and when' was so often on his lips that the junior members of his Party made bets on its next appearance in his speeches in Parliament and elsewhere. 'Hope and trust' was a frequent expression in Bhulabhai's speeches. Similarly, referring to himself, he often said, "He was one of those' or 'He was not one of those' who did or said whatever it was that he wanted to at the moment. Though he could be concise or precise, there were also occasions when there was an avoidable verbosity in his speeches and a failure to tie up all the loose ends in his sentences.

These are, however, minor defects which could be easily forgotten in the wealth of his achievements as a speaker and political leader in the Assembly and else where. By any standards prevalent in any democratic country, he would occupy a high place among legislators. It was his destiny to be a leader of the Opposition, when that Opposition was doomed to a programme of despair as it could never hope to turn out the occupants of the Treasury Benches of those days from their seat of power. But, even in such a discouraging environment, he struck a courageous and optimistic note throughout the years he spent in the Assembly. His opponents on the Treasury Benches always had to take note of him and his party.

"How does Mr. Bhulabhai Desai compare with Pandit Motilal Nehru?" was a question often asked in those days. It is difficult to make comparisons. It would be perhaps apt to quote the observations made by a contemporary who presumably had the opportunity of studying their performance:

Pandit Motilal Nehru had a great political reputation even before he became the leader of the Swarajists.

He was a former resident of the white-marbled and famous 'Anand Bhawan' and above and beyond these was father of his only son Pandit Jawaharlal Nehru, then a portent looming large on the Indian horizon. Round the senior Nehru's name had gathered many a legend which was current in the country and made him out to be a non-pareil of a man. Mr. Bhulabhai Desai did not have these advantages of tradition which has a peculiar importance in caste-ridden India. Although as a lawyer he is the more palmary of the two, in politics he was a 'novus homo' at the time he assumed the high command of the parliamentary section of the Congress. In debates Mr. Nehru was a sort of the sledge-hammer; Mr. Desai is like a chamois that leaps from crag to crag with ease and rapidity. Mr. Desai is a better public speaker than Mr. Nehru was, but the latter had a sense of humour which is wanting in the former. Mr. Nehru had the compensating merit of being a more vigorous penman than his successor. The most obvious difference between them is in respect of that indefinable something called personality. Motilal Nehru was a study in conscious power. He had the *hauteur* of a hidalgo. "To govern men" said Disraeli, "you must either be superior to them or despise them." Pandit Motilal Nehru seemed to have done both. A well-known newspaper once called him the proudest man in India, and he quoted the remark with approval. His enormous jaw was a kind of royal proclamation that he meant to rule as well as to reign. He exacted implicit obedience, and took prompt disciplinary action against the recalcitrants of his own party. He nearly finished so prominent a colleague as Lala Lajpat Rai in a famous controversy on party allegiance, which was only closed

by a moving appeal of the Mahatma to the disputants to desist. Mr. Desai's manner is quite different. His circulating smile is a welcome sign of his agreeable urbanity. He has tact. He works in closer cooperation with Mr. Jinnah and his group in Assembly than Mr. Motilal Nehru ever did, and has kept his own party in a better trim for team work. He enjoys a larger measure of popularity, especially among Britishers. This is the more worthy of note inasmuch as he is rather indifferent to the gentle art of personal advertisement. He does not cultivate a good Press whereas Mr. Motilal Nehru owned newspapers and spent a fortune on them.*

The short career of Bhulabhai in the Assembly reminds one of those pre-eminent lawyer-politicians who carved out names for themselves as parliamentary successes in the early decades of the twentieth century – Asquith, Edward Carson, F.E. Smith and Sir John Simon. Asquith, who rose to be the Prime Minister of England, was simple and aloof and had a great command of language, and could, in stately yet lucid diction, set forth before his audience the important aspects of the problems to be considered. In his speeches, he avoided appeals to any emotions and was averse to exploiting ignorance or passion of his followers or of the general public. He refused to talk to the gallery and always relied, for the success of his speeches, on the general intelligence of those who heard him. As A.G. Gardiner, the famous commentator on Liberal politicians, has aptly described Asquith in his well-known *Pillars of Society*, “he has no lollipops for you, he brings no jokes and leaves fireworks to children”. Though he had selected a political career for himself

**Speeches of Bhulabhai Desai*, Life Sketch, p. vii

and wanted to achieve the highest success, he would remain in it and achieve that success only on his terms and with weapons of his own choice.

Carson, a Dublin barrister, achieved a distinction for himself in English Courts by his fighting and domineering tactics. He was not averse to brow-beating the Judges before whom he appeared, when necessary, and when he found the Judges agreeing with him, he was all amiability and gentleness. He displayed the same qualities as a Member of Parliament and there established a great position for himself. When the Home Rule Bill first brought in by Gladstone was defeated and Arthur Balfour was sent to Ireland to carry out the avuncular remedy for Irish ills, Carson was his collaborator. Many a patriotic Irishman was sent to jail for long terms as a result of the earnest and painstaking efforts of Carson who was Government Prosecution Counsel. He, no doubt, profited a good deal from this work, as he was rewarded for the services rendered by him by being appointed the Solicitor General of Ireland. Yet, no one accused him of expediency; nor could it be that he chose this role for its momentary rewards. He was a passionate supporter of the 'Ulster' cause and was prepared to go to any length in the promotion of 'Ulster' interests.

F.E. Smith rose to prominence in the House of Commons with startling swiftness. He was an unknown young man who had recently graduated from Oxford. But he delivered a well-prepared maiden speech on the 'Address' and became famous almost overnight. When the Conservative party had suffered a severe defeat at the elections and his colleagues were low in spirits. Smith had the courage to make a vigorous attack on Liberal policies full of innuendoes and railleries. This revived in a manner the Conservative party. Not only did he

make a name for himself among them, but came to be held in high esteem as a fearless and witty speaker by his main opponents. He had no abiding convictions and was prepared to speak plausibly. While he could be affable and persuasive, he never hesitated to use the most stinging invectives and the coarsest, billingsgate to over-whelm the opponent. As F.E. Smith, in the House of Commons and, later, as Lord Birkenhead in the House of Lords, he attacked with intrepidity and insolence anyone who chose to oppose him.

Sir John Simon entered Parliament with a reputation for great intellectual ability and capacity for lucidly expounding imponderable problems. He followed up his brilliant career at Oxford in Parliament by winning all the prizes open to a young man. His becoming the Solicitor General at the age of thirty-seven caused no surprise. His methods were diametrically opposite to those of F.E. Smith whose contemporary he was at Oxford. F.E. Smith could be, as occasion required, violent, coarse and arrogant while Simon was amiable, gentlemanly and persuasive. He was averse to rousing the passions of the audience, whether in Parliament or outside, and brought to him arguments force of logic and understanding. He subjected himself to a severe discipline of temperament and language and never allowed emotion to break through his reserves.

May one hazard a comparison of Bhulabhai with these distinguished parliamentarians? The totally different environment and atmosphere in which he worked – in perpetual opposition to an irremovable officialdom in power – make the drawing of a parallel difficult. Yet, one may venture to assert that his performance in the Assembly combined the attributes of Asquith and Simon.

Bhulabhai's career in the Assembly covered a short period of little more than ten years, of which several were spent in exile from the Assembly under a mandate of the Congress. At no time did he hold any office in Government. When the time came from Indians to take charge of the affairs of their country, he was no more. Yet, in a manner and to an extent, his comparison with these great British lawyer-parliamentarians whom we have mentioned may not be inappropriate.

We shall soon see how, on the declaration of the Second World War in 1939, the Congress withdrew its representatives from the Central Legislative Assembly. After that withdrawal, Bhulabhai participated in the proceedings of the Assembly only on two occasions; one of them was when he intervened in the debate on the 19th November, 1940, to urge the rejection of the Budget which provided for grants for war which was not India's war. The other intervention – his last – was – again in the Budget Debate of March 1945, opposing the grant and pleading for freedom for India. We shall have occasion to refer to these important utterances at a later stage.

Office Acceptance: How it Ended

WE may now turn back for a while to see the developments in the Congress and Bhulabhai's activities in that field during the period that he was leading the Congress party in the Assembly. We have already noticed the emergence of powerful socialist influences in the Congress, the two notable leaders being Jawaharlal Nehru and Subhash Bose. As far back as December 1933, Nehru had observed in a press statement: "There is no middle road between Fascism and Communism. One has to choose between the two and I choose the Communist ideal. In regard to the methods and approach to this ideal. I may not agree with everything that the orthodox Communists have done. I think that these methods will have to adapt themselves to changing conditions and may vary in different countries. But I do think that the basic ideology of Communism and its scientific interpretation of history is sound." Subhash Bose "thought that Nehru's views were fundamentally wrong, as there was no reason to hold that our choice was restricted to the two alternatives. He believed that a synthesis between these two was possible, and hoped that India will discover it."*

In his presidential speech at the Lucknow Congress in April 1936, Nehru clearly gave vent to his communistic ideals. Later, when he was re-elected President for the next Congress to be held at Faizpur in December 1936, this slant in

**History of the Freedom Movement of India*, Volume III, pp. 555-556

his thinking seemed to have been emphasised. A month before the Session, the new Communist Constitution had been introduced in Russia. The atmosphere of Faizpur was naturally surcharged with socialist slogans, emphasising the rights of workers and peasants. So powerful was the socialist wing that it urged in the Subjects Committee that the Session should declare “the solidarity of the Indian people with the enslaved peoples of the world and with the people of the U.S.S.R.”

However, Nehru had, by the time the Faizpur Session was held, “considerably mellowed down in his enthusiasm for Communism. The official history of the Congress attributes this change to the ‘schooling that the President of Lucknow had had for well-nigh a year in the University of life’. It would perhaps be more correct to say that the schooling really took place in the University of Sabarmati under its presiding genius, Gandhi.”*

Though occupied with the affairs of the Legislative Assembly, Bhulabhai was not inactive in regard to the internal affairs of the Congress. In a private letter dated the 5th February, 1936, he relates how “Subhash Bose and myself drafted the political prisoners’ resolution and Rajaji drafted the Federation Resolution. I drafted several others of lesser importance. On the whole, the atmosphere is good except on the issue of the release of political prisoners and the Governors’ attitude in Bihar and the United Provinces. However, Gandhi is going to advise this evening what ultimate position the provincial conference should take up if the Governors refuse to yield”. This, presumably, was in reference to the repressive measures taken by the Governors of Bihar and the United Provinces, which had resulted in the imprisonment of a large number of Congressmen.

**Ibid*, p. 558

He was, also at about this time, interesting himself in the settlement of the Hindu-Muslim question, conducting conversations with the Agha Khan who had considerable influence among who had considerable influence among a section of the Muslims. Evidently, he had asked the Agha Khan to suggest a formula which would be acceptable to the Muslims on the Joint Electorate Issue. In a letter addressed to Bhulabhai, the Agha Khan, in reply stated: "I am afraid I can't with any change of success suggest a formula on the Joint Electorate Issue. Punjab is, for us, the most important, and I doubt if, in view of the present situation there, I can useful now propose an alteration. But this does not mean that I wish the matter to be dropped." He gave an assurance that "As soon as I find any useful chance.... I will make tentative suggestions – much harm will come by any attempt at going above the heads of the main Muslim Provinces".

The question of contesting the elections under the new Constitution and the acceptance of office by the Congress under the scheme had created a division of opinion among the leaders of the Congress. In a letter to the family from Delhi dated the 2nd April, 1936, Bhulabhai discusses the reactions of the leaders to these questions:

Regards the future Congress policy, opinions have fluctuated so much and so often that it appeared almost difficult to summarise the situation. The position now is this: Pandit Jawaharlal personally is definitely opposed to Office-acceptance, though it is not certain what attitude he will adopt if the majority of the Congress votes against that view. The group represented by Rajen Babu, Vallabhbhai is for Office-acceptance as a means to an end. Jawaharlal disapproves of it as cultivating a wrong and reactionary mentality in the country. He talks and

believes in the socialist slogans of Russia which are being recently repeated here. The other group feels that if the Congress did not get a majority in most provinces and did not accept office, the pro-British Ministries will continue the operation of all repressive laws and measures (including Ordinances) and crush or at all events suppress the Congress organisation and the mass will be separated from the Congress and probably alienated, for some relief will be given by the Ministers in small matters affecting the daily life of the village (cultivator, agriculturist, labourer). That group also thinks that the Indian mass today will not respond to J's slogans except perhaps in a demonstrative way only. So long as he maintains that position, my feeling is that Congress will not have a majority at the elections, even if the majority in the Congress voted for Office-acceptance.

To my mind, Office-acceptance programme can only succeed if the Congress were unanimous on the matter and also framed its programme on a lower key.

The discussions will be continued at Allahabad on Monday. On J's programme it is useless to contest elections on any large scale because the Congress will not get a majority on that footing and that labour and energy and money will be wasted and in that case Parliamentary Board is not needed. The Working Committee will put up some candidates who will go into the legislatures for propaganda only.

Consistently with our self-respect and desire to serve the country to the best of my ability and understanding and appreciation of the situation I am doing everything in discussion and otherwise. My views have the support of Mahatmaji and Rajen Babu group (in which I am included). Bapu is not trying

to influence J as much and as definitely as I thought he would do. However, for the moment it is a case of “wait and see” and in the meantime, we must pool all our knowledge and experience to arrive at the right conclusion to give a lead to the country.

As the discussions are confidential all sorts of things and ideas are put into our mouths and otherwise attributed to us but that cannot be helped. Pantji agrees with me most of all the others except perhaps Mahatmaji, who has a sort of instinct of things coming out right in the end.

Evidently, differences of view were then developing between Gandhi and Rajagopalachari in regard to the attitude of the Congress in certain matters. Rajagopalachari appears, at Gandhi's suggestion, to have seen Bhulabhai in Bombay in connection with these differences and been the guest of Bhulabhai in Bombay during his stay. In a letter dated the 22nd August, 1936, addressed to Bhulabhai and written in the train after leaving Bombay, Rajagopalachari states:

I am glad Bapu insisted on my going to Bombay and meeting you all. Otherwise, I was then in a mood to sneak back to my den straightway from Wardha. It would have been a tragedy if I did not meet you all and get all this sweet and generous treatment as a lasting memory on the background of this ugly crisis that has upset me. Do make up for all my naughtiness and desertion as you can if you make up your mind. I know your nobility and disinterestedness.

The first step in the working of the constitutional scheme of the Act of 1935 was taken in February 1937, when the elections to the Provincial Legislative Assemblies were held. The Congress had, pursuant to its policy of

Council Entry, contested the elections. It had obtained an absolute majority in a number of provinces – Madras, the United Provinces, the Central Provinces, Bihar and Orissa. It was also the biggest single party in four other provinces, namely, Bombay, Bengal, Assam and the North-West Frontier Province. Only in the Sind and the Punjab Assemblies, it constituted a comparatively small minority. Question arose if in view of these major successes of the Congress at the polls and its predominant position in these Legislatures, Congress should accept office in the Provinces and work the Act of 1935. The All India Congress Committee which met in March 1937 had to reach a decision. There were opposing views; but, after a debate, an amendment opposing acceptance of office was defeated and a resolution of conditional acceptance was passed. It authorised the acceptance of office in the provinces where the Congress commanded a majority in the legislature, provided the Congress Party in the legislature was satisfied that the Governor would not use his special powers of interference to set aside the advice of ministers. Eventually, a compromise formula seems to have been evolved, under which the Viceroy promised “the utmost degree practicable of harmonious co-operation” between the Government and the people. Any clash of opinion calculated unnecessarily to break down ministries would be avoided. The Congress Working Committee accepted this assurance and permitted Congressmen to accept office. Congress Ministries were formed where the Congress commanded majorities in the provincial assemblies.

Very able men belonging to the Congress, like Rajagopalachari, Govind Ballabh Pant and B.G. Kher took office as Chief Ministers. These ministries, during the time they held office, tried to introduce in the Provinces a

number of measures advocated over the years by the Congress, such as primary education, prohibition and uplift of the Harijans and untouchables. The non-Congress ministers of Bengal and the Punjab also took a number of salutary steps tending to improve the condition of the people.

However, the formation the Congress ministries in the Provinces where the Congress was in a majority, raised very difficult problems between the Congress on the one hand and the Muslims on the other. Indeed, it has been the feeling of a large section of the Indian public that the manner in which the Congress dealt with this situation sowed the seeds of the future partition of the country. It is necessary briefly to advert to this aspect of the matter as in a way it bears on the later efforts of Bhulabhai to arrive at a settlement with the Muslims.

At the discussions at the Round Table Conferences, it seems to have been assumed that the main communities, particularly the Muslims, would be represented in the Provincial ministries. When the Congress decided to accept office, they, however, proceeded on the principle that in the Congress provinces, ministers should be selected solely from the Congress Party. The Muslim League, which certainly represented at that date a substantial section of the Muslim community, desired that the Muslims to be taken in the ministries as representing the Muslim minority should be members of that organisation. The Congress, however, took the view that a Muslim, in order to be a minister in a Congress ministry, must give up membership of the Muslim League and join the Congress. This naturally created intense feeling among the Muslims against the Congress and had the effect of greatly strengthening the Muslim League.

The situation can be illustrated by the developments which took place in the United Provinces, where the

Muslim population, though it numbered only 16 per cent, occupied a very important position as compared to Muslims in other parts of India. The Aligarh University had produced distinguished Muslims, and some of these intellectuals and the Muslim landed gentry of the Province were respected all over the country. There seemed “to have been a sort of understanding – tacit or explicit – before the election that, in case of victory, two places in the joint ministry would be allotted to the Muslims”. The Congress, therefore, offered to include in the ministries members of the Muslim League if they were willing to conform to the principle mentioned above, which, in effect, meant “the dissolution of the Muslim League and the incorporation of its members in the Congress organisation”. The principle on which the Congress proceeded was based on “the pithy saying attributed to Nehru that ‘there are only two parties in the country – the Congress and the British Government’.” It is obvious that the Muslim League could not give up its own separate identity and, in substance, merge itself into the Congress.

“There is no doubt that the decision of the Congress leaders was extremely unwise and it was bound to have disastrous consequences. The Muslims now fully realised that as a separate community, they had no political prospects in future. The Congress ultimatum was the signal for the parting of the ways, which by inevitable stages, led to the foundation of Pakistan.”* It is said that the responsibility for this attitude lay with Nehru. In his view “Minorities in India, it must be remembered, are not racial or national minorities as in Europe; they are religious minorities. Religious barriers are obviously not

**Ibid*, p. 563

permanent, as conversion can take place from one religion to another, and a person changing his religion does not thereby lose his racial background or his cultural and linguistic inheritance". This extremely unrealistic view based on theoretical concepts wholly unrelated to conditions in India seemed clearly to have paved the way to the attitude adopted by the Congress. As has been said, "Nehru seems to have lived in ideal world of his own creation which had no relation to actual facts".

The Congress attitude was clearly based on a miscalculation; they thought that the Muslim League did not wield much influence in the country. However, that view was entirely mistaken. In effect, the Congress, while offering the Muslim minority representation in the ministries, made it a condition that the Muslim ministers should be of the Congress persuasion. For a Muslim to continue to be a member of the Muslim League was, therefore, to disqualify himself for every political office in these provinces. This was naturally interpreted by those in charge of the affairs, of the Muslim League as an attempt to wipe out the Muslim League as an organisation. As has been said, "Jinnah fought the 1937 elections on the basis of independent co-operation with the Congress in Hindu majority provinces by means of coalition. 'There is really no substantial difference between the League and the Congress. We shall always be glad to co-operate with Congress in their constructive programme,' said the leader in 1937. The Congress policy of absorption, instead of co-operation, particularly in the United Provinces, was a bitter blow to this policy. At a stroke, it destroyed hopes of friendly independent co-operation, and, in a moment, revived the simmering Muslim suspicion of Hindu absorptive tendencies. Congress rule now meant, for the middle class Muslim, Hindu

domination..... The majority community have clearly shown their hand that Hindustan is for the Hindu', he (Jinnah) declared."

"Jinnah took up the challenge, and his brilliancy as a leader never shone forth higher. He completely turned the tables on the Congress by denouncing the anti-Muslim attitude of the Congress." He made a bitter attack on the Congress in his presidential address at the Lucknow Session of the Muslim League, and called on the Muslims to organize themselves to fight the Hindu majority and the Hindu domination. The attitude of the Congress and Jinnah's challenge had a remarkable effect on the leaders of the Muslim parties in the Punjab, Bengal and Assam who were outside the Muslim League. Thus did the Congress policy put life and vigour into, and helped to consolidate, the League. The League's growing influence was reflected in a number of electoral contests which were won by the League.

This short-sighted attitude of the Congress failed to take into account portents which were already on the horizon. As far back as 1930, at the Allahabad Session of the Muslim League, Iqbal, in his presidential address, had proclaimed the "Muslim demand for the creation of a Muslim India within India." He had said: "I would like to see the Punjab, the North-West Frontier Province, Sind and Baluchistan amalgamated into a single State. Self-government within the British Empire or without the British Empire-the formation of a consolidated North-West Indian Muslim State-appears to me to be the final destiny of the Muslims at least in North-West India." This doctrine soon found its votaries in the creed of a separate homeland for the Muslims of India. "The idea took a definite shape in the mind of a young man, Rahmath Ali, educated in Cambridge, and he communicated it to the Muslim members of the Round Table

Conference assembled in London.” The ardent young enthusiast later put his ideas in print and circulated pamphlets, embodying them. Of course, at that time, nobody took these ideas seriously. But it must be admitted that the thesis of Iqbal and Rahmath Ali gradually gathered momentum, assisted as it was by the mistaken strategy of the Congress leaders. As has been said, the Congress “miscalculation proved to be as great and as grievous as the British dismissal of Gandhi twenty years before as a harmless eccentric”.*

The Viceroy, Lord Linlithgow, was evidently trying to seek the co-operation of the Congress in the working of the Reforms in the Provinces. These efforts were made, among other channels, through interviews with Bhulabhai and other Congress leaders in the Assembly. In a letter dated the 13th September, 1937, Bhulabhai describes the Viceroy as “a shy and pleasant man who shows no superiority complex – his making you feel and talk on an equal level did not strike me as a policy, but something he has now accepted towards at least some of our countrymen.” This impression was evidently gathered at an interview he had with the Viceroy on the 7th September 1937, and of which he seems to have sent a short note to Gandhi. To quote from a record kept by Bhulabhai of the interview:

On a letter being received by me from the Private Secretary to the Viceroy desiring that I should go and see him, I met him last Tuesday in the evening. I had enquired from the Private Secretary whether there was any specific subject on which he wanted an exchange of views; but I was informed that he wished to have a general discussion.

At the outset, he made anxious enquiries about Gandhiji's health and it was clear that it was not a formal enquiry... he felt genuinely concerned about the turn of Gandhiji's health.... The first subject in order of importance was the one whether democratic government would succeed in this country. I pointed out to him that, while it was true that personal rule had gone on for some time in this country, it was more a substitute for a strong central government and took its place rather than a personal autocratic rule, but, at the same time, the village communities governed themselves and managed their own affairs, subject to occasional intervention, and, of course, acquiring protection from the Central authority as against outside aggression.

Even the vicious caste system had a predominant element of democracy, as the vote of the majority prevailed and the sanction behind their decisions was the opinion of majority.

I pointed out to him that, in view of the changed conditions of the world, and, particularly, India, we could replace British rule by the rule of democracy, and we have decided upon it as a conscious measure and objective of political advance.

....I called his attention to the fact that the army maintained in India – it is now admitted except in so many words – is being maintained for imperial purposes, and while it is not yet replaced by a purely Indian army, it was the obligation of Britain to make contribution to the extent to which we claimed during the discussion of the resolution in the Assembly – say, some ten to fifteen crores of rupees annually; but to this, no satisfactory answer was forthcoming, as it could be easily sidetracked by referring to the present delicate conditions both in the East and the West...

He seemed to be not merely reconciled, but happy at the idea that the Congress was getting more and more provinces under its wing and influence inside and outside the legislatures.

I impressed upon him the need to see that, inasmuch as we were not only not anxious to have the Federation coming, but were actually opposed to it; that any undue sacrifice imposed on the eleven British Indian Provinces which were the principal units in the Federation to induce the Princes to come into the Federation was uncalled for. I explained to him my attitude towards the Federation. As a form of central government in India, it would be necessary to have a strong central authority by reason of the extent of the country and for political and geographical reasons; but the best way to begin was not the kind of Federation sought to be now introduced, but a Federation of the British Indian Provinces with an enabling clause for the States to come in, as and when the present federating units considered it to their mutual advantage, and, in the meantime, all subjects touching India at large could till be handled and settled in the way in which the Crown, through the Governor-General, was managing the same.

He finally told me that he understood that, without continuous pressure on our part, it was difficult to move the Britisher to revise the present Constitution, and he appreciated our efforts in that behalf at least from our point of view.

I pointed out to him that our joining the legislatures in the Centre had not produced any direct concrete result, so far as the present Government was concerned, either in the field of legislative enactments or executive measures. I also pointed out to him that this form of

consulting the people had been tried long enough and was no longer pleasing or deceiving the people. Of course, we had our own objective in remaining in the Central Legislature, namely to cultivate public opinion by educating them with our views on every question and to bring home to them to the extent to which conviction was necessary, that without replacing the present form of Government it was not possible to do any substantial good.

The annual session of the Congress did not take place in 1937. Apart from the problems of administration facing the provinces as an aftermath of British rule and British policies, the grim situation created by the detention of thousands of Indians in jails and the numerous repressive laws made the situation almost frustrating.

The prominent position that Bhulabhai had come to occupy in the Congress hierarchy was shown by his election in 1938 as the President of the Bombay Provincial Congress Committee. He was already at that date a member of the Working Committee of the Congress.

The fifty-first Session of the Congress met at Haripura in February 1938. The growing influence of the younger and more radical section of the Congress was indicated by the unanimous election of Subhas Chandra Bose as the President of the Session. The political situation in Europe which was heading towards an armed conflict was discussed at the Session and resulted in the Congress passing a resolution which stated *inter alia*:

India can be no party to such an imperialist war and exploited in the interests of British imperialism; nor can India join any war without the express consent of her people. The Congress therefore, entirely disapproves of

war preparations being made in India and large-scale manoeuvres and air-raid precautions, by which it has been sought to spread an atmosphere of approaching war in India. In the event of an attempt being made to involve India in a war, this will be resisted.

This resolution was the genesis of later developments which resulted in the withdrawal by the Congress of its co-operation with the Government in the working of provincial autonomy, and, later, in launching civil disobedience as a protest against the continuance of war declared without the consent of the Indian people.

Subhas Bose having become the executive head of the Congress, the differences between the radical section of the Congress led by him and the section led by Gandhi became almost irreconcilable. It is unnecessary for us to enter into the details of these divergent views and the consequent moves. Their importance, however, lies in the undoubted weakening effect which resulted from this disunity. These differences came to a head in connection with the Congress Session to be held at Tripuri in March 1939. Gandhi supported the candidature of Pattabhi Sitaramayya, backing him with all his authority in the Congress. He was opposed to the election of Bose who was the effective rival candidate. Bose clearly had a large volume of opinion in the Congress behind him. In spite of the strong opposition of Gandhi, Subhas Bose won by a majority of 95 votes against Sitaramayya. This led to a statement by Gandhi that the "defeat of Subhas's rival was his own defeat". The effect of a statement of this character by Gandhi can best be described in the language of the official history of the Congress. It "created consternation in the country and its effect was seen in the crossing of the floor by an appreciable number of those who had voted for

Subhas". The consequences of the election of Subhas Bose and the revolt against it by the Gandhian section of the Congress was reflected in the resignation of seventeen members of the Working Committee, leaving Subhas Chand his brother Sarat Chandra Bose alone as members of the Committee. Later came a formal notice by Govind Ballabh Pant and a large number of other members of the All-India Congress Committee of their intention to move a resolution at the coming session of the Congress which, in effect, placed the leadership of the Congress in the hands of Gandhi and requested the President to nominate a Working Committee in accordance with his wishes.

The Tripuri Session was held in March 1939, but President Subhas Bose was unable to preside by reason of his illness. Among the resolutions passed was one containing a declaration, reiterating the demand of the Congress for "Independence for the nation and to have a Constitution framed for a Free India through a Constituent Assembly elected by the people on the basis of adult franchise without any interference by a foreign authority."

When the Congress took-up the resolution of Govind Ballabh Pant, the wide differences in regard to it gave rise to tumultuous scenes which led to the adjournment of the Session till the next day. Eventually, the resolution was adopted at the open session on the next day. In effect, it placed the Congress wholly under the leadership of Gandhi, ignoring the view of the radical wing in the Congress. This led to the formation by the dissident group led by Subhas Bose of a new party called the Forward Bloc. The difference between the view of Bose on the one hand and Gandhi and Nehru on the other "lay in the method of carrying on further struggle with Britain for the freedom of India. Bose was in favour of a

national struggle, taking full advantage of the inevitable global war in which Britain would be involved, and he wanted to take immediate steps to prepare the country for such a struggle in anticipation of the World War. Gandhi and Nehru, demurred to this proposal. The difference between Bose and Gandhi was thus a fundamental one, and this explains the parts played by them when the long-apprehended war actually broke out in 1939.” Having regard to the predominant liberal bias in his views, Bhulabhai naturally had no sympathy for the radical views of Subhas Bose and his section in the Congress.

According to his usual practice of several years, Bhulabhai used to visit Europe for a few weeks every year mainly for reasons of health. He took advantage of his visits occasionally to address meetings not only of Indian students and others, but of select audiences and also meet British politicians sympathetic to the cause of India. The weeks preceding the outbreak of the war found him in England. It looked as if he would find himself marooned in London by reason of the expected outbreak of hostilities. However, it would appear that, with the influence of friends in London, he was able to leave Southampton on Monday, the 16th July, 1939.

On his return to India, he was presented with a civic address in appreciation of his services to the country on the 13th August, 1939, by the Raipur Municipality at a huge public gathering of the citizens of Raipur. A rousing reception was given to him at the station by the Raipur public and the Congress workers, and he was taken in a procession. It was not surprising that Bhulabhai should have, in reply to the address, spoken to the huge gathering in Hindustani. His second language in college was Persian, and this gave him a good command over Urdu. Apart from

this, he had an aptitude for picking up languages. He is known to have addressed large gatherings not only in his own language, Gujarati, but in Urdu as well. Indeed, he was honoured by Gujarati literary circles and was as far back as 1934 elected the President of the Gujarati Sahitya Parishad.

Bhulabhai began his reply by pointing out that nobody's services deserved any praise as long as the goal of the country, that is, freedom, was not achieved. He appealed to his countrymen to forge a united front. He said that his experience of countries where people were free was that, so long as a decision was not come to, there could be two opinions. But, when a decision was made, everyone, whatever his difference was, should leave no stone unturned to make the decision a success. Human nature being what it is, some people might derive petty satisfaction by quarrels and mutual recriminations. But he entreated those present to rise above such pettiness. "While we are passing through what the Britishers call the transition period, we cannot afford to be divided among ourselves and form ourselves into different parties. There will be time enough to do that, after we attain our freedom. May be, we may have to change our tactics frequently; we may have to approach the problems in different ways; but there is one thing in which we cannot, and should not, differ, and that is unity in action, unity not only in opinions, but unity in action and the will to act.'* This, clearly, was a reference to the recent divisions in the Congress, of which he strongly disapproved. He also called for a spirit of service and concluded with an appeal in the name of God and the country to public servants to serve India in the true spirit of service

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and to the public at large not to quarrel over petty things until the goal was won.

The 3rd September, 1939 saw the outbreak of the long-anticipated conflict which was to afflict humanity over half the globe for well-nigh six long years. Notwithstanding the stern warning conveyed by the Working Committee, the Viceroy proclaimed India as being at war without the consent of the Indian people. Though the attitude of Gandhi to war and to the British during the war continued to be somewhat different, the Working Committee of the Congress refused to fall in with his views, influenced, no doubt, by the bold stand which Bose had always taken. In a resolution passed on the 15th September, 1939, the Committee took "the gravest view of the Viceroy's proclamation of war without the consent of the Indian people, protested against the exploitation of Indian resources for imperialist ends and openly declared that India could not associate herself with a war said to be for democratic freedom when that very freedom is denied to her." The Committee, therefore, resolved to invite "the British Government to declare in unequivocal terms what their war aims are in regard to democracy and imperialism and the new order that is envisaged, in particular, how those aims are going to apply to India and to be given effect to in the present." This resolution was endorsed on the 10th October, 1939, by the All-India Congress Committee, which demanded that "India must be declared an independent nation and present application must be given to this status to the largest possible extent.*

In reply, the Viceroy, Lord Linlithgow, issued a statement, reiterating Dominion Status for India as the goal of British policy, pointing out that, for the present, Britain

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could not go farther than the Act of 1935, and that, only at the end of the war, would the Act be open to modification in the light of Indian views. He, however, proposed “the establishment of a consultative group representative of all major political parties in British India and of the Indian Princes, over which the Governor-General would himself preside.”

The Congress Working Committee pronounced the Viceroy’s statement to be “an unequivocal reiteration of the old imperialist policy” and declared itself unable to give any support to Great Britain in respect of the war. As an immediate step in this direction, the Committee called upon the Congress ministries in the Provinces to resign. Accordingly, these ministries gave up office in October and November 1939. Thereafter, the Congress Party in the Central Legislature also asked to attend the Legislature. Thus came to an end the policy of co-operation in the legislatures adopted by the Congress in 1935 and 1937. The freedom movement was now to assume a new phase in which civil disobedience was again to have a large share.

On the 8th October, 1939, Bhulabhai writing to his family from Wardha expressed a feeling that “he was not very hopeful of the result of all these negotiations. The sum and substance of the matter is that we cannot come to a decision now. The Viceroy after hearing other parties, will report to the British Cabinet. So far as I can see, the results are not expected to be very far-reaching.”

He then falls into a mood of introspection:

Generally speaking, it is not a happy sign to look backwards and draw satisfaction out of such a retrospect. They say that, when one begins to do that, it is a sign of feeling old. In that way, somehow I have

not felt that march of time. I am not able to realise how long ago I was sitting in my room on the first floor of Gujarat College. It seems to be just there as if it happened only a short while ago. This in all to the good – I have the same feeling towards the Bar – I occasionally feel as if there is nothing to be gained except a certain amount of perhaps easily-made income; but occasionally, when a point stimulated my mind, I feel quite happy just arguing it – almost as if one was engaged in producing a work of art. That is a great feeling. It makes you alive and keeps you alive.

Finally follows a personal note addressed to his son and daughter-in-law who were never far from his mind:

Then you two. Now you are growing to understand each other, making allowances of small matters of temporary human impulses. Dhiru has grown – you have grown – you both have created a circle of friends – a life of your own and I feel happy about all these. On the whole there is a feeling of fulfillment and yet it is a sign of being alone – that there is some restlessness even now hoping to find something. It is a source of what I may shortly describe as un-peace – but is that bad or wrong I ask and I am not inclined to believe that it is wrong. Peace is good but if you can progress more actively – it is perhaps better. While appreciating peace, I believe I shall struggle to the end – perhaps thereby and therein living a young life. Of course, this view of life and living makes me uneasy and disconsolate and this state of mine reacts on you but I like you to understand and be content and watch it with understanding.

Notwithstanding the life of hard work and intense activity lived by Bhulabhai, though he was now over sixty, he still retained his youthful outlook on life and his absorbing interest in public work and professional labours.

Second War: Quit India Movement

THOUGH Bhulabhai was, as it were, constant touch with various other activities of the Congress and his counsel was sought from time to time, particularly in legal matters, by Gandhi, his main preoccupation had been as we have already seen, with the fight for freedom on the legislative front in the Central Assembly. That activity had now ceased. Although this left him more time for professional work, his heart remained in politics. He continued to be a member of the Working Committee of the Congress, and was, as already noticed, the President of the Bombay Provincial Congress Committee.

The withdrawal of the Congress ministers from office, perhaps, was a relief to the Government. There is no doubt that, if the Congress had continued to control the provinces in which the Congress was in power, the Government's war efforts in various directions would have been impeded. The Viceroy had now a free hand in this matter.

The division in the Congress ranks was accentuated after October 1939. At the Ramgarh Session of the Congress, held in March 1940, those supporting Bose's Forward Bloc convened a rival 'All India Anti-Compromise Conference', which, it was claimed, was more successful than the Congress Session presided over by Abul Kalam Azad.

Apart from the division between Bose and Gandhi, those led by Gandhi seemed themselves to be divided. According to

Nehru, “launching a civil disobedience campaign at a time when Britain is engaged in life-and-death struggle would be an act derogatory to India’s honour”. This coincided with the view of Gandhi who had proclaimed: “We do not seek our independence out of Britain’s ruin. That is not the way of non-violence.” As opposed to this, Bose was in favour of putting the greatest pressure possible on Britain during her difficulties. But the majority of Gandhi’s colleagues, though supporting the creed of non-violence, did not wholly believe in the policy of compromise and of co-operation in war efforts even in the event of Britain giving reasonable guarantees to meet India’s demand for freedom at the end of the war. Gandhi’s basic objection to the war was his creed of non-violence, which made him shudder at the great carnage which the war involved. In fact, as far back as the 22nd July, 1939, Gandhi had addressed a letter to Hitler, making an appeal to him to desist from war, and had addressed similar open letters also to the British people. The view of Abdul Kalam Azad, the President of the Congress was, however, clearly different. He declared: “The Indian National Congress was not a pacifist organization, but one for achieving India’s freedom.” He went much further and said that the Indians had “the right to take the sword, if they had no other alternative.”

This attitude was reflected in a resolution of the Working Committee passed in June 1940, which in terms, declared that the Committee “are unable to go the full length with Gandhiji, but they recognise that he should be free to pursue his great ideal in his own way, and, therefore, absolve him from responsibility for the programme and activity which the Congress has to pursue, namely, the ‘parallel’ organisation of self-defence and the maintenance of the public security throughout the country by Congressmen on their own account”. Later, the Working Committee renewed their demand for an

immediate and unequivocal declaration of the “full independence of India” and the formation of a national government at the centre, commanding the confidence of all the elected elements in the Central Legislature. It declared that, unless these steps were taken, all efforts at organizing the material and moral resources of the country for defence cannot be voluntary or from a free country.

By way of response to the Congress offer of co-operation on certain conditions, the Viceroy issued a fresh statement on the 8th August, 1940. What was proposed was an immediate expansion of the Governor-General’s executive Council and the establishment of a War Advisory Council. He was willing to accept the Congress demand for a Constituent Assembly to frame an Indian constitution after the war had ended. This offer was rejected both by the Congress and the Muslim League.

In the meantime, the ardent followers of Bose had already started the civil disobedience movement. Gradually, the followers of Gandhi and Gandhi himself were also forced to resort to civil disobedience which could only be led by Gandhi, its founder and chief protagonist. Gandhi, however, still averse to embarrassing the British in what he believed to be their fight for existence, made the immediate issue not the freedom of India, but freedom of speech. He claimed the right of proclaiming to the Indian public that he did not believe in the war and would have nothing to do with measures to promote the war effort. Following his usual procedure, he interviewed the Viceroy in September 1940, claiming the right to publicly “call upon the people throughout the country to refrain from assisting India’s war effort”. It was futile to expect a response from the Viceroy to such a demand; and, so, began the civil disobedience campaign in October 1940.

The satyagraha was not a mass campaign, but was individual satyagraha, certain persons being selected to shout anti-war slogans and get arrested. This was later replaced by what was called representative satyagraha, being offered by groups selected from important members of the Congress, who repeated public slogans against the war. Important leaders of the Congress courted arrest – about 600 persons, including Abul Kalam Azad and Rajagopalachari – and got imprisoned.

Evidently, it was decided to use the forum of the Central Assembly to proclaim to the world the attitude of the Congress in regard to participation in the war effort. After a lapse of eighteen months, Bhulabhai attended a session of the Assembly and addressed it on the 19th November, 1940, urging the rejection of the Budget. He said that his party attended the Assembly on this occasion to present to the world the question of India's participation in the war effort. At the commencement, he stated: "In the last war, India gave her whole-hearted support – including Mahatma Gandhi, including myself. I went about lecturing with my friend, Sir Thomas Strangman." He proceeded: "The problem is that, unless it is made India's war it is impossible that you will get India's support.... The position, therefore, is – we want to make quite plain to the House and to the world – that it is sheer hypocrisy to say that you praise democracy. But, whose democracy? Your democracy, my democracy, or the joint democracy? If it is your democracy and my subjection, then, it is a hypocritical phrase. If, on the other hand, it is a joint democracy, we are always willing as equal allies to fight this war, as the very statement made within a week of the declaration of the war shows that there has never been any back-sliding on the part of India, but, at the same time, you cannot make a cat's paw of India, time after time

A time must arrive when they must realise that we can only fight if it is fight for your freedom as well as mine.” He quoted Gandhiji: “I cannot conscientiously pray for the success of British arms if it means further lease of life to India’s subjection to foreign domination. I write this last sentence with a heavy heart”. He went on to say that, although Gandhiji was disappointed at the Government’s response. “You may believe it or not, it is his desire not to embarrass, but, as he put it and as I am here to-day to endorse it before this House, a desire not to embarrass must not end in self-extinction. You cannot exploit my desire not to embarrass you to extent of my suppressing myself altogether. You cannot use the other man’s goodness as cloak for other people’s hypocrisy.” His conclusion was: “We shall, Sir, fight as allies with such power as we have got; but we shall not fight as instruments. I oppose the Bill.”

The Finance Bill was thrown out by a majority of votes, completely vindicating the stand taken by Bhulabhai on behalf of the Congress. It was, of course, made effective, notwithstanding the adverse vote of the Assembly, by the exercise by the Viceroy of his powers.

Whatever his personal view, as a leading soldier in the Congress fight, Bhulabhai was found to be in the vanguard of individual satyagraha. On the 1st December, 1940, as the President of the Bombay Provincial Congress Committee and a member of the Congress Working Committee, he offered individual satyagraha and was arrested on that day. Sarojini Naidu, also a member of the Congress Working Committee, and M.M. Pakvasa, President of the Bombay Legislative Council, were also arrested the same morning. These arrests were made under the Defence of India Act; and those arrested were taken to the Yeravda jail in Poona.

Soon after Bhulabhai was imprisoned, he, as was only natural, started writing letters to his family from the Yeravda Central Prison, some of which have been preserved.

On the 11th December, 1940, he wrote:

As before, I shall also set down in brief some idea which is uppermost in my mind during the week. I shall preface it by saying that in this, as in most other things I may write, there is nothing highly original but it has only the value of adaptation of known truths to the practical – factual – circumstances of life. As Bacon has said in his *Advancement of Learning*, discontent is the basis of modern science, discontent against the traditions and convention of Mediaeval life and thought. One cannot be happy – consistently with a life of striving and progress – unless one reconciles contentment with its apparent opposite discontent. There must be peace of mind out of such reconciliation. I am trying to cultivate this mental attitude. Though it may appear simple in its statement, in its being applied to life, effort – a great deal of effort – is required, and I am glad to say that I am feeling more and more equal to this requirement.

On the 2nd January, 1941, he writes again:

I spend time in learning to read Urdu, for I know the language except the words which are original and not derived from Persian. It is a change. Then, I am reading Patanjali's *Yoga Sutra* – not with the eye of a saint looking and working for ultimate salvation, but with the eye of a man living and doing his duty in the world while we live and to see how it can be done better and life lived more peacefully and intensively. The book deals with all

the schools of Hindu Philosophy: so, you can find (in) it guidance for what may be shortly called Karma Yogi and his place in the scheme of creation. I shall write a short note after I have grasped its full meaning. I have done the background of 'Sankhya' outline and am now engaged in learning just the outline of the thesis.

Bhulabhai began to keep a diary in jail on the 11th January, 1941. It was a bulky bound book of about 150 pages of which he seems to have covered 70 pages during his time in prison. Though he intended to do so it was not written from day to day, and for long periods there are no notes made in it. Some of the entries are extremely interesting not only for analysis and criticism of himself but also for his grave dissatisfaction with the policy then pursued by the Congress under the direction of Gandhi. No doubt, as a leading worker of the Congress, he had subjected himself to its regime, but his ever thoughtful and sensitive mind could not reconcile itself to many of the mechanisms and methods adopted by its main leader, Gandhi.

Bhulabhai begins on the 11th January with the statement, "I must begin to-day something for myself – my soul (as it is called)". On the same day he notes, "To-day I shall begin a course of *self-discipline* for I need it now. I have nobody to rely on (children have their own place in life but they belong to themselves, as they should). A sad but useful feeling but I should not cultivate self-pity but on the other hand self-esteem".

Evidently for some days he had not received letters from the family and he was depressed. On the 15th January, 1941, he appears to have been particularly low in spirits. He writes, "Have faith that everything will right itself—not merely as you wish it but as it should be in the scheme of

thing entire. I accept the inevitable with equanimity – almost bordering on happiness.... Now to-morrow”.

And then comes the entry of the 16th January, 1941: And what ‘to-morrow! Letters from every body, even from far off Budapest. I feel happy – less strained – almost without a care – what a contrast from yesterday.

Then follows some self-examination:

It is a lesson in support of my present effort in ‘thinking’ and ‘taking stock’ on one’s self. I ought to have been yesterday what I am to-day and when I attain that self-possession, it will be a great achievement but why all it achievement – it is because my faith is weak. If it were not – if it were what it ought to have been (witness the letters themselves) – I shall feel happy constantly and not intermittently and so I should. It is my deficiency, I shall make it up. The objective reality demands this strength and I shall live up to it in justice to those who love and for the lasting good of my ‘self’, I will do this.

His son and daughter-in-law came to see him later in the month and left with him a couple of plants which he could grow in the prison compound. He refers to these in this letter dated the 23rd January, 1941:

Our last interview left me with a lot of beauty and scent. The lily which you left, the smaller flower, has blossomed since and it is still alive today. It has resisted the end and is admired by many friends here. But this is merely a visible though accidental symbol of the inner ‘beauty and scent’ which you left with me – the satisfaction of duty done and well done – the harmony with which it was done and accomplished – the quiet appreciation which

accompanied and will accompany its continual and continuous achievement.

He then moves on to his own activities in prison:

The progress in the subject of work is good, 75 pages of Urdu poetry of the great Poet Hafiz – portions of Patanjali's *Yoga Sutra* and parts of *Gita*...and spinning has now become regular and easier on the new charkha.

In a letter dated the 6th February, 1941, he reverts to the plants which he was carefully nursing in he jail compound:

The first lily you brought remained cheering us all for a whole week. The second shoot blossomed and grew bigger and bigger every day – shedding light and luster and scent all-around, and the gladioli you brought last interview is still going – the upper buds on the red one are still opening one by one every day. The texture, the colour and the joy they give! Well these are keepsakes which may physically fail but their memories never, nor the lovely thoughts behind them left by those who transported them to these otherwise dreary cells. They leave a sense of happiness and well-being behind.

On the 18th February, 1941, he again refers to the flowers in his letter:

The gladiolis are in full bloom and their colour, texture and blossom are all symbolic of the atmosphere of our home I have temporarily quitted. I am so happy that you are maintaining the same environments and in fact improving them.

The 6th April, 1941, finds him in a severe mood of attempts at self-improvement. It was the Ram Navmi day, a fact he records in his diary:

To-day is the commencement of the national week. The course of India's struggle has this as its important landmark. The end of the week marks the humiliation of the Indian people – the Jallianwala Bagh tragedy. I am now fortunately one of the trustees of the Jallianwala Bagh Memorial Trust. The scene of the tragedy is vivid to me but I must not centre upon the earlier history more than necessary. Mahatma Gandhi has called for the observance of the 6th and the 13th for fasting and self-examination. He has probably his own meaning. We must put just that meaning which we understand. It is but too true that one can have one's soul only by fully understanding it and self-analysis – if not morbid – will enable us to understand it. By 'soul' I mean oneself—as it really is – with all its limitations; but I must remember that it is that soul which I have to carry on rather than it is that self which carries me. I am happy that I was able to read *Gita* and parts of Patanjali's *Yog Darshana* while Munshi was here.

Even destruction is to be preferred (for our own good) in pursuing swadharma, i.e., living and pursuing the path that one's own qualities demand. In pardharma (following some one else's path) there is grave danger. You can only progress on the basic foundation of your aggregate of qualities. Self-surrender where there is complete faith maybe good but not where the faith is incomplete and reason does not agree – in the latter case it is better to pursue one's own path – it may lead you somewhere further but the other *nowhere*. What you have really to cultivate is to guide one's major actions of life uninfluenced by *Raga*, *Lobha* and *Krodha*.

However small an effort you may make in this direction, it will enable you to fulfil your self (swadharma) – will lead to self-expression – perhaps small but genuine growth. I must walk (tread) this difficult path at least from now onwards. No effort is wasted. I shall set down from day-to-day the ideas as they form themselves – it will enable me to see where I stand.... I must aim at ‘non-waste’ in all my thoughts, words and action. Of this I have decided upon one illustration: not discussing – not dwelling upon – the imprisonment.’ I waste energy in dwelling upon its privations to *no purpose*. I am not able to change the situation. I am not even sure (when I look at it coolly) that it would place me in a better position in life – better from the point of view of happiness or self-possession. I begin with it perhaps to get by even as a joke – and then I have unconsciously become the victim of that thought and discussion. Let it end when it may. You draw within yourself – your own castle – and make it impregnable, and happiness and perhaps light will be your lot and gain. Why not use the enforced leisure to a good purpose for yourself – evolution is a big word – at least educate yourself into poise and self-possession. *Poise* will make for peace and happiness for which I have prayed day after day. I shall do it: I am doing it from now onwards.

Later in the day he refers to the political movement: I must also set down the obvious and the undercurrents of the political movement of India. The very process of setting it down with perfect honesty and integrity may provide a solution; in any case get rid of your own cob-webs.

May be if I live long enough this will point to some destination and even otherwise it is not a wasted

effort. Man is undoubtedly a creature of environments – but I must limit its scope – one is bound to be influenced by the surroundings but one should not be drowned. Live as you understand, for when you follow another (as leader) what happens? He (the leader) does not surrender himself, he follows his own swadharma and expects you to follow it or go your own way – in the latter case even he will some day respect you – *now you are taken for granted*. Some who can work themselves by subtle flattery will be more openly recognised but that is not in you – therefore do not make a vain, futile effort. It is not in you – build on your own foundations. I have drifted along both in public and personal life – if I am not equal to the effort I shall continue to do so – but even in the short space that is left – I have decided to try and I have begun to try.

One must know one's own good – it will not do to wobble, for it leads to waste – waste of energy – mental, moral, spiritual, even physical (nervous).

God willing every morning – after a few pointed sentences from the urge of Moral Action – I must continue to write this. There are ideas and subjects on which I have ideas. They must first be transcribed along with daily reactions – my place in the public life – Congress Gandhi Leadership (as it is sometimes called) – all must be set down and reviewed. I do not wish to find my own self unprepared when the time comes. It is far better to live up to a standard – even though not regarded very high – than to propose the highest standards and live up to nothing.

‘To be at peace with the world without surrendering any essential of one's self but die fighting rather than

surrender' provides the only solution. If I can maintain good health I shall be quite happy here – if I do not foolishly quarrel with myself and others without a great purpose. But then in the latter case it is not a quarrel, it is the law of being – it is self-defence, self-preservation.

For attaining non-waste self-control is the stepping stone in daily food, daily conversation and daily conduct, and an effort must be made. I begin to-day here and now, God willing.

A few days later on the 13th April, 1941, he makes good his intention of analysing political life and the maxims that pervaded it at the time. "Mahatma Gandhi" is the heading of this day's entry:

To-day is the anniversary of Jallianwala Bagh tragedy. Gandhiji ordered a 'national week' beginning with the sixth and ending to-day. He calls it a week of purification and service. I believe he does believe in service but he has standards, ideas, experiments – his way of service he wants you to follow. Up to a point this is possible and intelligible to a plain understanding man – but then it is rough going. You slip into his 'ideas of service' like in a quick-sand; it is difficult to get out of it and you go down and down. He takes no account of you – so long as you bow yourself to his experiment – and he complains if you do not. You are taken for granted – you live and work so that he may experiment in some instances no better than a laboratory rabbit. Some please, and he prepares them – gets them to taste power because of him and they become his instruments to gather the sheep for the feast (of experiment). The idea and the ideal of non-violence has

now become an obsession and at all cost he wants to keep those whom he can command out of this world conflict and then – feel happy that he has tried his experiment. His very notion of Man has become so awry that it is impossible to keep pace with his notions. He has become afraid of the very touch of what he calls ‘military-mindedness’. He wants to create a new type of man – a man who would be strong in suffering and non-violent. But that is not all; he has a notion that such a group of men surrendering everything to organised violence – say an army – would transform the mind and heart of the violent and bring about the success of the surrenderer. I am unable to agree with him in this his claim. It is one thing to hope some day man would evolve to be so just, so truthful that violence will disappear – but it is quite a different thing to say that in any reasonable period of historical future (in which any reasonable being may hope to build in or build for) such a change in man is possible. But to him the experiment is quite enough – whatever the result to those who would submit to it. He gloats in the idea of people suffering – believing that something will happen; and, if not, he has had his experiment.

I think it is impossible to go further with him than we did in the famous Wardha Resolution.... Even then language was used more with a view to maintain a sort of remote contact with him, but he fully understood that nobody agreed with him. Only the greed of using his influence with the masses of the Indians obliged most of us to use the language we did.

As the world and man now stand, organised force used by a State is the only guarantee of order in society.

Of course it can be over-used or abused but that is the side of every useful instrument—science itself—knowledge – what was meant for the benefit of man has now become the instrument of destruction. And yet all that in the name of social good, as the wielder of the force understands. Because we disagree and cannot face him we call him monster.

In an argument I humbly pointed once to Gandhiji that once you agree to use of force by police, the basic point has been lost. Of course, you may aid as high as you like but if you must live – you must act in the condition in which you find man. Society has its unsocial elements. “You must not accept power now, even if given.” Says he, “lest you should make Indian youth military-minded – accustomed to the use of force, and incidentally my experiment would not remain.” He would like a petrifying vacuum for man to act in, for the benefit of his obsession.

He has landed us into a morass and he is afraid lest we should shake off the mud and go out. Says he, “Don’t soil your hands with the use of force during this war, and afterwards we shall see.” It is gently spoken, as if this demand on us is not one which we cannot honestly respond to or bear.

The move you examine his ways, views, theories, practices, his idea is to build a rudimentary society where man is so plain and simple, life is so sparse that then there is little or nothing to quarrel about. A negation of raising the standard of life beyond a cottage and a cow and an acre of land, and charkha above all! For either you use modern science and take

the risk of its evil coming with its good, or remain with charkha and the bullock stage of man's evolution. Nevertheless, he uses the train (steam engine) and he uses the motor car! I believe he has really got mixed up a bit. I understand the rudimentary idea and ideal but is not there a point at which a line can be drawn? This does not mean that when you have acquired the means you should not, as far as you can, prevent the abuse of the power acquired by man to control nature and natural forces. But I would rather have power, with its attendant, evils, than keep man in a rudimentary stage of existence. Of course you want to improve the lot of the village and villagers – but it is not as if the only way to do it is to keep the villager in the flint stage, or next after that, the bullock and the charkha stage. The world will go on, notwithstanding him – as we see in India itself. He and the like of him may remain antediluvian, if they like.

No state or sovereign authority can or is likely to fulfil its elementary function in the near historical future without organised force at its back, and as a sanction. Any other idea will only produce chaos – Congress organisation wielding its non-violence (where it did at all) has not even stopped a riot in a village. I know that at the time I am writing this, there is a Congress Committee in Dacca (which is now in ruins along with 31 villages adjacent to this town). That is the efficacy of the Congress organization for order, protection of men, women children and property.

His diary entry of the 15th April deals with the philosophy of the charkha:

Since I came here I have been spinning regularly after the first few days had elapsed. In fact, I have acquired

a certain facility in the task. Perhaps I adopted it to fall in line with some others as a social feeling. Later I thought half an hour's work like this would enable one to fulfil one of the conditions of being allowed to offer 'this sacrifice for the country' by the only exponent of satyagraha. One need not have to prove his integrity every time somebody chooses to challenge it, but it is good as far as possible to show once at least as against this snarling crowd. You are not always sure, even then. If charkha represents India's future in arts, sciences, knowledge, I regret I cannot accept it after all the thought that I have given to it and all the considerations I have bestowed upon it, due to the reverential respect for the Mahatma. In that sense it can only stand for a stage of society long disappearing. Notwithstanding all the evils laid at the door of the application of science – chemistry, mechanics, physics and the rest – they cannot be, and, in my humble judgment, should not be eliminated, and the world put back to the tenth century. If it stands for simplicity of life in this sense, that simplicity would be subjection and low standard of life. In fact, we in India have not done it – we have got involved in all the complications of the application of science, the use of steam, motor, electricity, wireless and all other forms of control over nature and nature's elements. We may pretend that we have, but we have not. Even here in jail, before I came, there was an electric toaster installed by the high priest of the charkha cult, electric kettle for tea and coffee, and electric massage for aching limbs and of course electric light and fan. Charkha will only represent crudeness – ignorance even if it is coupled with simplicity.

Simplicity, there, stands for a rudimentary standard of life, thought and conduct. Not all the 20 years have taken its production beyond what it might have been – about two crores worth of khadi out of 60 crores (if not more) worth of cloth used by India and then too after what propaganda, what devices, what conditions and above all what bounties (lakhs collected by Mahatma from people whose sole belief is mechanized industry, and who are no believers in charkha). The charkha has however two points on which I have supported it when called upon to do so in my duty as a Congressman. (1) It has no doubt become a symbol of struggle, because the Britishers made it a badge of those who opposed their yoke and were struggling for political freedom. They persecuted those who wore khadi or plied the charkha, and as a symbol it has, and perhaps for a little while longer, served a purpose. (2) As a supplementary means of adding to the paltry income of the peasantry of the countryside. They can either sell their work or use it and thereby save something which they would otherwise have had to sell, to buy their cloth. But this is the best plea. I have put forward these two pleas only in my public speeches, and no other.

I have not claimed for it any esoteric value which none but the Mahatma understands or perceives, but which some pretend exists in it. Nor have I had the courage to say that if by any chance (say earthquake) all the mills in India went down. I shall be a happy man. The capitalists and those who believe in machinery have exploited Mahatmaji as much as he has exploited them, but there is no reality about the supposed faith in the charkha as the instrument of salvation of India.

As a protest against the evils of industrialisation by machinery, it is a poor thing indeed. In the midst of where even poor India lives, in smaller towns and villages, charkha is a misfit – excepting in the hands of the survivors of those who had this handicraft of ancient bygone days, and who still want to eke out a living. It is obvious from the way in which funds have to be raised to give what is called a living wage to a charkha wielder, that it will not survive longer and that economically it will not live. The supplementary value may last some time – how long one cannot tell.

Whenever any problem concerning satyagraha becomes difficult of explanation in conviction the final answer of the Mahatmaji as ‘I am the best and through expert and do you not trust an expert in everything else?’ There are tests by which the knowledge and qualifications of other experts can be tested; but this is the field in which there are no tests and there is hitherto the *one and only expert!*

The only reason why we put it on the national flag and pin it in the fore-front of our, what is called, constructive programme is that if you want the Mahatma you must accept the charkha. True, until recently we wanted the Mahatma and, therefore, we accepted the charkha. The socialists and the communists do not accept it except when they want the influence of the Mahatma. The intelligent thinker cannot understand it, but he accepts it because he wants the influence of the Mahatma. And the rest ply it as a flock of sheep – as the Buddhist plies the prayer wheel, believing that he is really praying to God all the time, when in truth and in fact he is mechanically moving a lifeless and

meaningless physical object. The Mahatma says that you must accept the charkha if you accept non-violence, that they are in some mysterious way connected. The very effort made in improving the crude instrument of charkha is a compliment paid to machine and intelligent thinking, not typified by the charkha. But there is a horror to improve it – you must go back, and the new fad of what is called ‘Dharmalaya Takli’ is an illustration in point.

On the 16th April, 1941, he writes to the family giving the impressions which the momentous events that were taking place in the world were creating on his mind:

Between magazines and the daily papers one makes out a complete contemporary history of the world during its most critical period – for wars have been fought before but never so as to embrace the whole world and also so as to affect the world’s future for over a century to come. It is interesting to watch from day-to-day how nations are behaving – being made and unmade – and how the map alters radically every week. It is something to have lived during this period, if it were not for the fact that our circumstances have driven us to inaction – at least for the moment.

On the 18th April we find him making along note in his dairy on the theory of non-violence as then propounded by the leader of the Congress:

To return to this question of what is called non-violence (ahimsa). This recurring idea affects our (Congress and Gandhiji’s) action in such an infinite variety of ways that we must analyse what is meant by saying ‘you must believe in non-violence’, or put in a different way, when a so-called Gandhiite says “I

believe in non-violence' and thereby adopts a supercilious snobbish air which is as intolerable as his understanding of his phrasing is horrible. If the statement is made that one would wish to have a peaceful and peace-loving and peace-living society – there need not be any serious objection to it. It is a hope entertained which may well be repeated *ad nauseam* without touching the realities of human social life as it exists to-day with the elements, instincts, urges, impulses which prompt man's actions to-day – man, that is to say, as he is made to-day. What man should be, or will be, in a million years of evolution is a question over which no practical statesman need waste much labour. The statement has to be examined in relation to the facts of man as he is to-day. It is not good sense to believe that society would not soon be reduced to chaos without some form of organised force at the back of the society or at the back of the State. 'Self-regulated anarchy' is a dream very nice, but we cannot live in it otherwise you will have a very nice, but we cannot live in it otherwise. You will have a very rude very crude awakening. So this double meaning of the statement has confused the thoughts of those who would rather take the easy course of agreeing with something which they do not understand or care to do so, but the tragedy is that this meaning of believing that society should have nothing to do with force has decided our conduct to-day as if the whole Congress and India were pacifists. We have among us those who wish the Indian State to be modelled on Russia of to-day and they therefore believe (though they would not courageously and directly say so) that they would prefer chaos on which the new society or State

would be built up, rather than maintain the present order which might result from aid to Britain in this war. But to-day the pacifists and socialists-cum-communists have agreed in creating the present impasse. Both have vague expectations – the latter probably more real, as they argue that re-organisation of society must be preceded by chaos or anarchy. Of course they take no notice of the fact that chaos may come and reorganisation may not follow, because they have not the requisite capacity to produce order out of it – in any case such a reorganisation can only be brought about by a strong military force at the back of the protagonists of this new order. They have nothing in common with the pacifists, except the immediate result of opposing any aid to Britain in this war.

There the pacifists only want an assertion and an experiment in very unreal conditions – no body believes in them except in a vague unthinking way, when you do not and cannot act with decision and have not the means of doing so. I asked one of such who is with us – said he immediately, “Of course I want our army but where does the Britisher give it to us.” This only means that he is not a pacifist but pretends to be one, because he cannot easily get what he really wants. Said he, “During this war we can wait – afterwards we shall see.” What a short-sighted policy if he would only think. If we are going to have organised force we might as well begin to-day than wait till after the war – let us get our emasculated, defeated young men training and cultivate courage even though not under a self-government, for the training and the courage will all be to the good when we have attained it. It is like saying

we need not even educate our young men— let us first attain self-government and then we shall begin educating them. It is an argument in a circle— how are you ever going to attain self-government or keep it when you have got it. Then there is the third group who would not courageously assist it, but mean that society cannot be stably maintained without organised force— they are fearful as if they stand on a lower platform— they quail in the presence of the ‘Great ones of the Pacifist School’ and Mahatmaji. If you will not assert yourself after a proper and full analysis, it is your own fault. Mahatma will use you— if you will let him do so— whether it is out of fear, shame, greed or any of these impulses which cover our weakness and cowardice. A foreigner who is governing India from far away may have to submit to govern it in a way the people want or even to let them govern themselves if there is a complete non-cooperation (a form, it is said, of non-violence). But that is only the first stage. If the foreigner then withdraws and with him goes the organised force (army) the newly attained self-government or freedom is not worth a few days’ purchase, for even a thousand armed men will displace the new non-violent, unprotected government and I suppose after surrendering to this new attack non-violently, we begin non-cooperation over again— so there is no real period of freedom but a constant struggle to attain it. What a find prospect for a human society. There is complete conscious or unconscious absence of thinking among us, and where there is— fear prevents its expression and application. We are willing to aid the war if we get a certain political status— but if we do not, we again merge ourselves in

the motley crowd of pacifists and anarchists. How can any one trust our objectives under such conditions – at least let us admit that the opponent must hesitate before trusting us. It introduces such a confusion, and apparent, if not real, insincerity in our professions that it would be difficult for any opponent to deal with us. This movement is undertaken with the object as Mahatma puts it, of self-preservation of the Congress organisation, for as he said ‘a desire not to embarrass Britain in this war cannot be carried to the point of self-extinction’. Now why do we want to preserve the Congress and its hold on the people of India? It only means that Britain will retain India, keep the peace, and frame some constitution and when that is made, under the aegis of Britain, we shall go to the polls and get authority for Government. There can be no other meaning, because as our organisation is entirely ineffective for any other purpose, it cannot keep peace or keep order, it cannot avert or even quell a riot in a simple city – you may assert what you like but the truth is that you are hopping for some constitution that the British will frame, or forced by outside circumstances to do so, you will have the civil government under its aegis. In other words, this struggle (satyagraha) is undertaken with a view to get power, as we can get, when another has kept the peace for this country. If it is conquered by some other power during this war it is idle to believe that this great Congress will be anywhere except (I hope they will not do so) to play an ignominious part of a puppet in the hands of the new conqueror. We must, therefore, (as soon as the circumstances permit) make this position clear – today we believe that Britain will keep the peace, and we

shall profit by it after the war, and yet our movement (if it has any effect at all) is weakening Britain in the task which we secretly wish they should perform. Then is there such a thing as a movement for mere assertion and self-expression? The movement in its values and purposes must be judged by objective results—the fact, that the movement may fail to produce its intended or contemplated result, is one that confers, upon it no merit, in fact it is doubly wrong; you intend a result which antagonises your opponent and fails in obstructing him, which is to your discredit. Every movement is undertaken with intent that it should succeed—that is to say, produce the results aimed at and not in the hope that it will fail. This is a true picture of what this movement is—with its accompanying stunt of non-embarrassment. Embarrass if you can and succeed in thwarting Britain ‘from getting in India what she gets, for what you want (if you can achieve it) that not one man and one pice should be given to Britain’—but to have what is called satyagraha movement to thwart it and be glad that it has not succeeded in its desired purposes, is the height of political folly. It is a stunt of little or no value except to please the pacifist Mahatma or to walk behind the blazing car of socialist glory. We must make it clear to Britain that our fate and security and freedom are linked with theirs, and if only they will trust us and put us in a position from where we can enthuse the people of India, we are prepared to do our very utmost in supporting the war effort, and in deciding whether we are placed in such a position we shall not fight for words or names or shibboleths but judge it by its

contents, not wanting to cross the t's and dot the I's. In any event, we have now reached a stage in world crisis. This farce should be called off in a decent, graceful way. Even as a gesture of goodwill to Britain in her darkest hour, this is called for. It is amazing why Mahtmaji has not yet seen this point of view which appealed to him when things were bright. Instead of the House of Commons and the Westminster Abbey being alone destroyed, nearly the whole of that country is now in ruins, and it is only the bravery and tenacity of British people that the resistance to Germany is going on at all, in this whole world.

Nothing could indicate more clearly the way in which Bhulabhai's mind was working. Like many other intellectual followers of Gandhi, while loyally practicing his doctrines, he remained completely unconvinced of their soundness or benefit to the country. What he has set down here is also a key to his efforts, some years later, in bringing about an understanding between the Hindus and the Muslims.

On the 20th April, 1941, he has a note in the diary about the riots that took place in Ahmedabad:

Yesterday we had received accounts of the riot at Ahmedabad. It is said to have originated out of a false rumour but one must look below the false rumour – why and how did it originate? It must be due to a more deep seated cause – bad human nature or grievance, genuine or imagined. In either case it must require a closer scrutiny, you cannot simply run away with the idea that you have solve anything by saying (what the gentleman concerned here says) 'Oh it is the Goondas who did it'. Sometimes they go further (without a tittle of evidence) 'Oh the British

(meaning the Police) did it'. They want to find some way out to shirk examination or responsibility. The broad fact to-day is that in Ahmedabad – the city of the origin of satyagraha in India, the capital of Gujarat, the stronghold of the supposed satyagrahis – the cry is police, armed police and military to save the city from utter ruin – not a resort to some mysterious method of satyagraha. Organised force maintained by a State is the only protection against trouble in the State and for maintaining order. That the organisation of the Congress is unable to do it is proved at least for those who have eyes to see, or ears to hear or intelligence to understand the situation. He returns to the same theme on the 21st April, 1941: The riot (which has not become Hindu-Mussalman riot) goes on in Ahmedabad. This morning the Superintendent came along on his usual round. At the conversation were present two of us, the Superintendent and myself. To the Superintendent's remark about the riot and its progress, one elder said, 'They (Mussalmans) do not dare to start the riot when they get a good hiding from the Hindus' and instanced Calcutta and two or three other places. Then the Superintendent referred to Sind where, he says, that as the Hindus could not stand up to the Mussalmans with force, the former got the worst of it, when the other one present said, supporting the elder, 'Yes, they will not try again where they were properly beaten before'. These ideas escaped them under the stress of the news of the Ahmedabad riot and these are their real views, but as soon as they are awake they cry 'ahimsa'.

In a letter written on the 9th May his mind turns to happy family events. Eight years before, when also he was

in jail, he had written a letter to his son and daughter-in-law on the anniversary of their marriage. Writing again from jail on the occasion of another wedding anniversary he expresses himself in the most affectionate terms:

The very form of this address (a joint letter) takes me back to Vaisakh Sud 15th, 9 years ago, the day of your marriage at Teethal. Between that day and Sunday next there are many similarities, and many changes, both fully significant of the progress you have made in life and in joint lives since that auspicious day. This day 9 years ago I was telephoning to Ahmedabad with great hope and enthusiasm lest the marriage may be delayed and I may be arrested. To-day I am already here and you have each of you made your place in the world. Dhiru has built up a personality – success at the Bar – and made good as a public citizen, as the successor of his father in office. Madhuri has built up a mind equipped well and above all a house for all of us – for there she functions in a special sphere, all her own, drawing us and friends in a special circle, and creating an atmosphere in which we live happily. You have now become friends – helpmates – besides the higher tie which binds you – of love and attachment. Naturally this consummation gives me a satisfaction....

In a short letter of the 19th May, 1941, he attempts to forecast the future of India's struggle for freedom in the light of the great events that were happening all over the world:

I wonder what the end of this struggle may be. Sometimes, it looks so small in the background of world events. Never did the world move so fast in so short a time. It defies the best imagination to see exactly the shape of things to come. Let us hold on

to our own realities, so far as we can, and be ready to meet whatever the future may bring.

On the 24th June we have an entry in the diary wherein he attempts to assess what was happening in India on the canvas of world events and comments on the uncritical and unrealistic approach of the general run of Congress leaders:

Apropos of America's and England's attitude towards Russia in the war which has been between Russia and Germany two days ago, I felt that this attitude is the best illustration of 'realism in politics' in which we are wanting and which, I apprehend and fear, we shall never attain with our flabby minds in the political sense. America and England declared that they detest communism and yet to-day they say they are in a more deadly war – for immediate purposes – against Germany and, therefore, they would rather ally themselves with Russia, at least as against Germany, than give way to their hatred of communism and indirectly and Germany against Russia. That is reality in politics. Said the great Rajen Babu yesterday supported by J.B Kripalani (who is prancing about the country with no solution of our difficulties), 'We are carrying on satyagraha for our freedom – its present form and volume are satisfactory'. Why are they asked to go about giving opiates to the country? Do they ask themselves, against whom is this satyagraha directed? Against the new possible invader? If...that is Mr. Mahadeo Desai answer – with his 'Shanti Sena' which exists in his fond imagination he will oppose, of course, successfully – it cannot be other wise. Higher and even super-higher. If it is against the possible enemy to come, there is little or no purpose now – unless it is a rehearsal, indeed. For

the present the satyagraha does not affect any. Then let us assume that it is against the Britisher. If he is going to be replaced, of course, this is futile – if he is not going to be displaced but still remain our master, it is boomerang at a time like this. Besides, it is ineffective. There is some vague indefinite idea of a ‘struggle’ in the air which is going to rain down ‘freedom’ from above. Surely this is not reality.

Jail life does not matter for flabby minds – they are all doing nothing, feeling nothing, excepting the privation of wife and children. They have been provided by Mahatma Gandhi for mechanical occupation in the shape of the great sudarshana chakra – The Charkha. But by God’s blessings, your mind is not flabby. It has difficulties but those are not understood by the Mahatma and his cronies of semi-snobish superficial renunciators (office and power-hunters all the same). You can occupy yourself in what may pass for good domestic service and think from meal to meal and nothing matters. But one who has a mind, is bound to suffer at least from not dealing with actual problems – it gets soft. It is said in the case of young minds, when confined in reformatories, that while the confinement breaks their will and they become what is called disciplined, it ruins their minds and with them all chances of progress. By reason of absence of realism he analyses nothing and consequently realizes nothing. The world of realities – the world in which we live – the world with its colossal struggles and wars does not matter except for cursing the British: even the smaller world of India does not matter with its communal riots and the rift between the Hindus and Mussalmans getting wider and stiffer. Nothing need be done for it. The Shanti Sena

some day (will help) in the end of eternity when man is no longer man but an angel. But then Mahatma having started satyagraha and the British not making a gesture of goodwill (change of heart is his phrase) to him, the satyagraha must go on; what matters but the Mahatma's pride. No realism—no troubling about what is happening in the larger world or even in India—we ignore the rest—Sewagram for ever. We need know nothing—we have an unreal world of delusions—discussions galore about what is written in books and to remain in books, and if ever applied, with distortions suited to our pre-conceived purpose. As a friend said to-day, 'Be glad for was it not God who sent you to jail and God will send you out.' Sleep—my friend, sleep—God brought you to this earth and will take you away to his bosom and feed you in the meantime. Is not this the worst form of fatalism with all its helplessness and doing-nothingness that the world has ever seen?

A letter to the family dated the 26th June tells them how he was spending his time in studying contemporary history:

I am studying contemporary history carefully. While at Nasik I read the European history of the last century. But, with all attention, one fails to notice, much less understand, the effect and the counter effect of events in one country on the neighbour and all the rest. To-day, this can be studied as one single canvas even without much effort—of course the canvas now embraces both the hemispheres at the same time. Please do bring a good war map even if it is not an atlas in book form. The Russian campaign is almost as interesting as the Dutch Belgian, French campaigns of the last years

apart altogether from the more complex political conspiracies.

On the same day he reverts in his diary, again, to the disregard of realities by the Congress:

Congress has disregarded realities altogether. It is all right to shout at the top of the voice 'who can resist the demand for freedom from 400 million people?' True. But in action not an infinitesimal proportion is jointing in such a demand. Congress has exaggerated ideas of its real influence. True, it can hold meetings where lakhs may attend. Not two put their hands in their pocket and pay a few annas. Not two of them will join in any action enjoined by the Congress, if it involves sacrifice or risk. Its own instrument of deliverance' has numerous limitations. It has given exaggerated hopes to the people in general (who do nothing) but who will always oppose anything less than the extreme demand being accepted. Congress has failed to realise, or convey to the people, that we are a conquered people and must make the best of the situation so that gradually some day we shall rise.

On the 31st July, in a letter he expresses his apprehensions in regard to Japan's designs on India:

With the new aggression of Japan war is bound to come nearer India than it has been during the last two years. Japan would have occupied India, China – in a few more days she would also occupy Thailand (Siam) just for the mere satisfaction of doing so. Her immediate objective in Burma and later on the Dutch East Indies. The war in the West is becoming more intelligible in its course during the last two days. On the 3rd August, 1941, he refers to the futile policy of

the Congress, among other items, in relation to the Muslims:

Recent statements of Mahatma Gandhi to the American Press have raised all kinds of interpretation of his purpose. But whatever that may be there is no doubt that he has attempted to foist on the Congress an objective which is sure to dissipate the Congress if the process lasts long enough. His object is the propagation of non-violence, whereas Congress has, and must have, as its main objective, freedom of India. Freedom of India is merely a result of the success of his doctrine, if the world accepts it or submits to it. Once the political character of the Congress is shaken, it will begin to disintegrate, *e.g.*, though it is often said that Mahatmaji will bless the Congress and let it go its own way if the British grants her demand, it is quite clear that this is merely an argument. It is merely a dialectic point. Gandhiji, if he can help it, would want the Congress not to cooperate in the war (on his own pacifist grounds) but says in the same breath 'decide what you like, let the W.C. or A.I.C.C. do so — they are free to depose me'. All this stuff does not mislead the outsider. He can only bargain on the definite and single, unequivocal position of assisting to her best in the war effort; once that is clouded, there is an end of offers or bargain. Take the next: there is no better opportunity than to-day of coming to an understanding with Mussalmans. For a long time such an opportunity will not recur, and yet whether we like it or not, Mahatmaji cannot and will not negotiate because the basis of helping them in the war comes in his way, and positively and absolutely bars him. He puts Hindus Muslim unity in the forefront but he must know, or

at least realise, that his present position has destroyed every chance so long as he lives. Jinnah and his apparent supporters (who alone count in their respective provinces) have parted company and they would be willing to negotiate and, in fact, want to negotiate, but the door is barred. But his devoted followers knowing that the door is barred want to pretend that the other parties are all to blame. The fact is that our position is dubious, uncertain. Congress relies on the Mahatma for the votes and Mahatma wants the Congress to act in the field of politics on the basis of his, what may be with deference called, spiritual or ethical hobbies and obsessions. Mahatmaji should leave the Congress and then alone progress is possible. While the war lasts there is nothing doing and when it is concluded there is nothing doing either, for the British would be better against us if they win, and if they do no, there is nothing to be said. This ostentatious purity from the evil touch of war (military mindedness) would have served no purpose. If it is not a bargaining point, it is nothing, to a political mind. In all the discussions, they drift away deliberately or otherwise, to avoid facing this issue except perhaps for Jawaharlal. Barring accidents, politics are dead for the Congress for some time to come – how long it is difficult to say, but one may pray that it may not be too long.

In his next entry in the diary dated the 8th August, 1941, he dilates on the importance of compromise in politics:

The other day I read that it was at one time supposed that Newton's law of gravity was an unqualified and unqualifiable rest in mathematics and other allied sciences. Later, it was found that the law of relativity

alone explains the discrepancies which pure law of gravitation could not reconcile or explain. Einstein's theory may not be the last word on that subject, but it is an essential factor in sciences. So in the law of psychology, beyond and above what we call mental or ethical or spiritual principles. Their applications vary so much that they are called compromises – they are regarded as concessions or pardonable deviations from the course prescribed by the laws. In my view 'compromises', or whatever they may be called, are not concessions. Like in physical sciences, there is a law of relativity which was long been neglected, not even canvassed in considering man and his actions. If considered as it must be, the correctness of 'compromises' as they are called, would be explained and understood.

He deals further with this topic on the 9th August, 1941: Take for example a war of force. The attacked may well believe that non-violence or fascism is good for the world as a principle, if the bulk of the world would accept it, but if one is attacked a problem arises relatively to the party attacked and he may still hold that while he would like it if it were different, but he must protect himself with force, if necessary. This conduct is not a denial of the goodness of non-violence, but relatively to the situation, it cannot be applied: that the law is inexorable in itself is a wrong principle. Both are good laws – the general principle and the law of relativity. When you attempt to apply the rigid code, you neglect or disregard the 'man element' in the situation: and it is certainly wrong, it will be admitted, to disregard the 'man element' or for that matter any disturbing factor, if a

proper scientific examination is to take place and true conclusions reached. The other day some satyagrahi prisoners from a Punjab jail wrote to Gandhiji asking him if it would be wrong for them to repel an attack on them or their dear ones or their property by force and he said they should not have resort to force even for such a purpose. Now, apart from every other reason, Mahatmaji was in error because his answer disregarded the 'man element' in the problem. He contemplated an ideal man (for his answer) whereas he knows and ought to know that he should take the man as he is, in giving an answer. I do not concede that Gandhiji was right even as a matter of law or principle, for he as the scientist (he claims to be one in satyagraha) ignored another law without which you cannot obtain the correct answer. He can only say that if the world were different, his answer would be right, but when you are asked a question for immediate human action you cannot give an answer on a non-human hypothesis and get away with it, or claim that your answer is right. The question put was in no sense hypothetical; it was real, for the event contemplated in the question may occur to anyone, any day, in a Punjab village. This is what is often argued or stated to the ignoring "realities", *i.e.*, and so it is unrealistic to give answers to questions on assumed data – an assumption which you know to be non-existent. We are engaged in politics and it is an obvious error on the part of any of us not to be realistic. It is always easy to be right on basis other than the existing one, whereas the basis for human conduct and human leadership is the existing state of affairs. You may hope to change it some day, but the answer is not the less wrong to-day. We made a mistake in granting that

Gandhiji is right and that we are deficient, but this is an unnecessarily degrading way of looking at the matter. The truth of the matter is that man is deficient or imperfect, and you must act and advise on that basis – not some impossible, non-existent basis. My point is that there is no need or occasion to be apologetic about our position. In the state of affairs to-day we are right and Gandhiji is wrong, in that he ignores an obviously and equally important law of nature, to wit the law of relativity. In this case the fact that man is imperfect (granting perfection in Gandhian view to be right for the moment, but without admitting it) and will remain so, for certainly during the period, when the answer to be useful has any effective value. In the ultimate analysis, because he may be right some other day, he cannot be right to-day and what is required is an answer for to-day – for man's immediate conduct, for such circumstances, man can only remain inactive at his peril and in the case of political leader, at the nation's peril.

His reading continued and on the 10th August we have a long note on a book he had just read:

Good-Bye Mr Chipps is a book impossible to forget for any man with human feeling – not the superficial pity but deep understanding – his love, his ambition, all get submerged under a sense of duty and his devotion to the boys who loved him so much. Under the daily urge and necessity of living, deeper springs in man get buried even when they exist, and another never knows about them. It is the ability to see them, unearth them and show them up to the world, for its understanding and admiration which is the real art of a truly literary man. Mere literature in the

sense of expressing well, what you and I may call understanding, is an ornamental art but to present in simple moving tones things which lie deep down in an apparently common man, leading a humdrum life, is the genuine artist's work. It is not a case of mere imagination investing with possible or impossible attributes a character, or even a beloved one, but it is the insight to see and discover and make known to others, which when known, every man recognises, but which he (the ordinary man) had failed to see or just missed it. That is the quality of Hilton's work.

On the 5th September, 1941, which was the Parsee New Year Day, he again reverts to the political scene:

This whole day is to be devoted to felicitations – felicitations indeed? It began with the 'true' satyagrahis coming at dawn to wish the Doctor 'Happy New Year' and then I heard 'May this New Year bring you luck' – 'May it see you release from here'. The Doctor replied, 'All of us together'. The 'true' satyagrahis cannot in their heart of hearts believe that the British are going to compromise with 'us' on the footing of our non-participation in this war or in the light of conduct and vacillation on any other footing whatever. They can only, therefore, visualize a release by the Britisher – just 'releasing them' and this they wished to the Doctor and accepted smilingly and cheerfully the reciprocated wishes for themselves. Comment is superfluous.

The Viceroy made a broadcast on the evening of the 3rd of this month, the second anniversary of this war. He said among other things. 'Then there are those amongst us who would like to reap the harvest of victory without putting their hands to the plough' and he sigmatized those who sought to divide the country as our 'Fifth column'.

Prior to the commencement of the Session of the Ramgarh Congress, I was in Delhi where we went to attend one of the sitting of the Central Legislature to avoid (what we believed to be the likely result of our absence) the declaration of our seats being vacant. No doubt there was the intervention of the discretion of the Viceroy, which I was told, was not likely or going to be exercised, but we would certainly have been at his mercy. So we went and attended. In the events which happened, it was a wise decision, for otherwise our attendance to oppose the Finance Bill (Supplementary) in October-November, 1940 would have been in jeopardy, if our seats had been declared vacant just in time. Of course, the Government would not have taken that course because they were not prepared to face a big countrywide election in which the 'war issue' would have been canvassed. However, let this pass. While in Delhi I met Sir Jagdish Prasad often. He was of course of the view that we should seize the places of limited—very limited power, for that would be the thin end of the wedge (according to him) and the further pressure could not be resisted by the British element in the Central Government. Urged by him I agreed to see Mr. Laithwait and I discussed with him our position (Congress position as I understood at that time). At the end of the interview he was angry at our Patna Resolution, to be submitted to the Ramgarh Congress, than he was at the beginning; for, he recognised that we would not in a Public Resolution addressed to the country, and to be passed by the Congress, ask for less than independence and could not help backing it by a notice of possible action on our part of such form of sanction as we possessed or at least were pledged to

use. But I impressed on him that a satyagrahi would never reject negotiations for a compromise as a part of his creed as I understood it. There I left the matter with him. But as we had not lost complete touch with the Government yet, I discussed the question of deadlock and the future constitution (we having rejected the 1935 constitution in so far as it concerned the Central Government) with several persons believed to be able to (by our own High Command except that it does not suit them) influence judgment or opinion on these matters. I discussed the matter fully for some hours with Sir Maurice Gwyer. He said that the Britishers (in a broad sense) were willing to negotiate with us provided that the 'new constitution', shall I say the 'new order' as we envisaged it, was not a violent break from present; for the latter, as I understood him to say, was in their belief not to our good and also was one which they would oppose. On that basis we talked. He gave an illustration of what he meant by a 'violent break' which he disapproved, so that we would be on a concrete ground.

We have reproduced large extracts from the nothings in Bhulabhai's personal diary kept by him during his detention in jail in 1940-41. Some notings are, of course, far too fragmentary or condensed, and may at first blush appear to be unintelligible. But these too give an insight into the working of his mind: they reveal the quickness of his brain and the restlessness of his spirit. We find a man who is constantly aware of his shortcomings and who has not given up his efforts at improvement and correction. The diary discloses in a vivid manner that Bhulabhai pondered deeply and earnestly on the problems that faced the country and searched for solutions with

rare imagination. His catholicity of outlook at once distinguished and removed him from the ordinary run of Congress leaders. He came to hold views which were at places diametrically opposed to the tenets held by them. This, as we shall see later, was possible the reason for the treatment he received subsequently at the hands of those with whom he had joined his labours for achieving the freedom of the country.

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Bhandari, who had been in charge in the earlier movement of the Nasik jail was now in charge of the jail at Yeravda, where Bhulabhai was detained. At his instance, certain rules which caused hardship to 'A' class prisoners, such as the rule of locking up satyagrahis at night, were withdrawn. He treated Bhulabhai with special consideration and, later, recalled Bhulabhai requesting him not to flog the prisoners who disobeyed the rules and sometimes revolted against the officials.

On the 16th September, 1941, Bhulabhai was released from jail as a sequel to an illness. A note issued by the Director of Information stated that "The Government of Bombay have been advised that the health of Mr. Bhulabhai Desai is likely to suffer in prison. The Government have therefore ordered his release on medical grounds." It appears that he was ill in jail for some time and was therefore removed to the Sassoon Hospital in Poona for medical treatment. He was examined twice by Dr. Mody who submitted his report to the Civil Surgeon. In the afternoon of the 16th September, the Jail Superintendent arrived at the Sassoon Hospital and handed over to him the release order. As Bhulabhai was not able to stand the journey to Bombay, he was advised to extend his stay in the hospital at Poona till he was in a condition to

move to Bombay. In an interview to the Associated Press, Dr. Mody said that it was not advisable to remove Bhulabhai to Bombay in his 'present' condition and that he required complete rest and that interviews with him should be avoided as far as possible. He further stated that there were some symptoms of slight improvement in his condition since he had seen him on the first occasion. Dr. Mody thought that Bhulabhai should not be removed from the hospital at least for a week. On his return to Bombay, he was treated by his usual medical attendants, and letters from Bombay to Dr. Mody in Poona indicate that he had not made a complete recovery even at the end of October 1941.

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We may now look at the course of events which led to the fateful adoption by the Congress of the Quit India Resolution. The expansion of the Executive Council and the constitution of the Advisory Defence Council had not satisfied India. In August 1941, was issued the famous statement of War Aims by the United Kingdom and the United States of America, known as the Atlantic Charter. It declared, among other things, that the two nations "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them". Some Indians took heart at this announcement and hoped for a more liberal British policy towards India. However, soon after the declaration, Churchill emphatically declared in the House of Commons that "though the declaration was in full accord with British policy in India as embodied in the August offer, the Atlantic Charter has no application to India". The policy of the Government of India in regard

to India's demand remained unchanged except that, in December 1941, the satyagrahi prisoners, including Nehru and Azad, were released.

With Japan's entry into the war on the 7th December 1941, the whole situation underwent a radical change from the point of view of Britain as well as the Congress. Just before Japan's entry into the war, the satyagrahi prisoners had been released. Shortly after the 7th December, 1941, the Viceroy appealed to Indians for a united front in view of the changed situation. However, the entry of Japan in the war did not seem to have created a change of feeling in the minds of the Indian public in favour of Britain, either by reason of the fear of invasion of India by Japan or otherwise.

The Working Committee seems to have taken up the attitude that, in the circumstances that had arisen, the Congress should set up an independent organisation outside the Government in order to help and serve the people in the event of the threat of Japanese invasion of India materialising. Even more hostile than the attitude of the Congress was the attitude of the Muslim League which, not caring for the consequences to India of invasion by Japan, proclaimed loudly its demand for Pakistan. The Liberals, at a session of the Liberal Federation held in February 1942, seemed to have taken a more realistic attitude. Tej Bahadur Sapru cabled to Churchill on behalf of 15 non-party leaders: "The heart of India must be touched to rouse her on a nation-wide scale to the call for service". He urged "the acceptance of the Liberal programme – a national all-Indian Government responsible to the Crown and a higher national status for India in international and inter-imperial relations". Notwithstanding the Japanese menace, the British politicians were in no mood to treat even the Indian Liberal demand with any degree of

seriousness. They continued to harp on the disagreement between the communities, which had been started and so sedulously promoted by them. Mr. Amery, the Secretary of State for India, declared that “in the absence of agreement, we can no more impose a Constitution on India and except it to survive than we can impose a Constitution on Europe”. Tej Bahadur Sapru’s cable remained unattended to for more than two months. It was only in the month of March 1942, when Rangoon had fallen to the Japanese that Churchill announced that the War Cabinet had decided to send Sir Stafford Cripps, who had recently joined the British Government, to India. It is well known, as revealed by secret documents of the Foreign Office of the United States of America, that Roosevelt had been pressing the British Government, as far back as the middle of 1941, that it was essential to the success of the Allies in the war that the Indian problem should be settled as early as possible. This had been ignored for a long time by Churchill, whose hands, however, were eventually forced in March 1942. That was the true genesis of the dispatch of the Cripps Mission to India. In order that the effort made by the Mission might bear fruit, Roosevelt took care, at or about the same time, to send a personal representative with special instructions to New Delhi.

The details of the offer made by the Cripps Mission and the way in which the offer was received by the Congress and the Muslim League do not interest us here. Maulana Abul Kalam Azad, President of the Congress, on its behalf, in view of the danger of invasion by Japan, expressed readiness to assume responsibility, provided a truly national Government was formed. He was prepared to put aside all questions about the future, provided the national Government was a cabinet government with full

power and not merely a continuation of the Viceroy's Executive Council. Cripps was unable to accept this position; and the general impression at the time was that he was unable to obtain Churchill's concurrence to this demand of the Congress, though Cripps himself was in favour of acceptance. This view was later borne out by what the special representative of Roosevelt communicated to the President. However, the official view put forward by the British was that 'the pacifism of Gandhi' had brought about the failure of the Cripps Mission.

The part played by Bhulabhai, who was not, at that date, a member of the Working Committee of the Congress, in the negotiations with Cripps is referred to by Abul Kalam Azad:*

The Working Committee had decided that the Congress President should carry on the negotiations. It would therefore not be proper for other members of the Working Committee to negotiate separately. If, however, Cripps wanted to meet any member of the Working Committee for any reason, I would gladly arrange it.

Cripps said that he was particularly anxious to see Bhulabhai Desai. He had stayed with him during his last visit to India. Pointing to the Khadi suit he was then wearing, Cripps said with a smile, 'Even these clothes I am now wearing are a gift of Bhulabhai Desai.'

I asked Bhulabhai Desai to meet Sir Stafford and he did so.

The attitude of the British which imputed the failure of the Cripps Mission to Gandhi was clearly untruth one, and, naturally exasperated Gandhi who had been most anxious

**India Wins Freedom*, Abul Kalam Azad. Orient Longmans 1959, p. 55

not to embarrass the British when they were in difficulties. Hearing the British version of the cause of the failure of the Cripps Mission, he is reported to have said: "It is all a tissue of lies."

After the failure of the Mission, there was a marked change in Gandhi's attitude towards the British. Soon after that event Gandhi openly suggested that the safety and the interest of both Britain and India "lie in orderly and timely British withdrawal from India". In this attitude is seen the origin of the Quit India Resolution and the movement which followed it. "On May 2, and, again on May 10, he (Gandhi) wrote: 'The time has come during the war, not after it, for the British and the Indians to be reconciled to complete separation from each other.... I must devote the whole of my energy to the realisation of this supreme act.... The presence of the British in India is an invitation to Japan to invade India. Their withdrawal removes the bait. Assume, however, it does not; free India will be better to cope with the invasion. Unadulterated non-cooperation will then have full sway.' A few days later, he went a little further. He said, 'Leave India in God's hands, in modern parlance to anarchy, and that anarchy may lead to internecine warfare for a time or to unrestrained dacoities. From these, a true India will rise in place of the false one we see.'"^{*} It seems surprising that Gandhi should have believed that, after the British had withdrawn and after some internecine warfare, there would arise in India a sense of responsibility which would lead to a reasonable agreement among communities and non-violence out of chaos.

Gandhi is reported to have told Azad "in unqualified terms that, if the Japanese army ever came into India, it

^{*}*Mahatma*, Volume VI, D.G. Tendulkar, Bombay, 1953 pp. 98-100

would come not as our enemy, but as the enemy of the British. He said that, if the British left immediately, he believed that the Japanese would have no reason to attack India". Clearly, such a view could not have been shared by many of the leading Congressmen who must have found it difficult to follow Gandhi's reasoning. It is known that Azad did not accept Gandhi's view.

Ultimately, when the matter came for decision before the Working Committee, the opinion among the Congress leaders was divided. The discussion seemed to have continued for several days and the attitude of Gandhi seemed to influence even those who started with grave doubts as to the course proposed by him. He advocated a non-violent mass movement in the words of Azad, "Gandhiji made it clear that like other movements this would also be on the basis of non-violence.... During the discussions, Jawaharlal said that what Gandhiji had in view was in fact an open rebellion even if the rebellion was non-violent. Gandhiji liked the phrase and spoke of an open non-violent revolution several times."* Thus came to be passed on the 14th July, 1942, the Quit India Resolution by the Working Committee of the Indian National Congress. According to his established procedure, Gandhi sent an emissary to the Viceroy to apprise him of the substance of the Working Committee's resolution and the mass movement proposed by it. The Viceroy's reply, as was expected by most members of the Working Committee, was a refusal to interview the emissary, as Gandhi was thinking in terms of rebellion. "He made it clear that the Government would not tolerate any rebellion during the war, whether it was violent or non-violent. Nor was the Government prepared to meet or discuss with any

**India Wins Freedom*, p. 77

representative of an organisation which spoke in such terms.”*

On the 7th August, 1942, the All-India Congress Committee met in Bombay to consider the resolution of the Working Committee. After discussion lasting two days, it accepted the resolution with minor variations by an overwhelming majority.

What was the attitude of Bhulabhai, who was not ‘at the time’ a member of the Working Committee, to this resolution? We have no materials on which a definite answer to this question can be based, but having regard to the manner in which his mind was working when he was in jail there would appear to be little doubt that he must have emphatically disapproved of it. Anticipations of the grave and violent disturbances amounting to a revolt and the terrible repression which was the aftermath, could also well have been the basis of his view.

How keenly the Government was watching the Congress moves and how prepared they went to meet them is shown by the fact that, immediately after the passing of the A.I.C.C. resolution on the 8th August, the Government published its own resolution, expressing regret at the Congress resolution and its determination to meet the ‘challenge’ contained in it. That resolution ended with these words: “The Government of India would regard it as wholly incompatible with their responsibilities to the people of India and their obligations to the Allies that a demand should be discussed, the acceptance of which would plunge India into confusion and anarchy internally and would paralyse India’s effort in the common cause of human freedom.”

The swift and decisive hand of the Government was shown by its action the very next day. “On Sunday, August 9,

**Ibid*, p. 81

Gandhi woke up as usual at four in the morning for his prayers. There had been rumours to the effect that arrests were imminent. 'After my last night's speech', said Gandhi to Mahadev Desai, 'they will never arrest me.' He was about to proceed with his daily routine after the prayers, when the news came that the Police Commissioner was at the gate of Birla House and wanted to see Gandhi's secretary. He brought with him warrants of arrest and detention under the Defence of India Rules for Gandhi. Mahadev Desai and Mirabehn. There were no orders for Kasturba Gandhi and Pyarelal, but the Police Commissioner said he had instruction to take them with Gandhi under the same terms if they chose to accompany him. But they decided not to. The police gave Gandhi and his party half an hour to get ready. Gandhi took his usual breakfast of goat's milk and fruit juice. His favourite hymn 'Vaishnav Jan' was then sung by his party and also verses from the Koran. Gandhi then left with a few personal belongings including his copy of the Gita, the ashram hymn book, the Koran, an Urdu primer and his *dhanush takli*."

Gandhi's last instruction conveyed to the nation through Pyarelal were: 'Let every non-violent soldier of freedom write out the slogan 'Do or Die' on a piece of paper or cloth, and stick it on his clothes, so that, in case he died in the course of offering satyagraha, he might be distinguished by that sign from other elements who do not subscribe to non-violence.'*

Such was the fond hope of the great apostle of non-violence and satyagraha, soon to be belied by the grim turn of events.

**Mahatma*, Volume VI, p.216

Maulana Azad, the President of the Congress, was at the time, living with Bhulabhai, and an account of his arrest given by himself shows the attitude the intentions of the authorities:

During my visits to Bombay I generally stayed with the late Bhulabhai Desai. I did so on this occasion as well. He was then ill and had been unwell for some time. I was therefore a little surprised when on my return after the meeting of the A.I.C.C., I found he was waiting for me. It was very late and I was tired and thought that he must have retired. I gently admonished him for staying up so late, but he told me that Mohammad Taher, one of my relations, who has his business in Bombay, had called for me and waited a long time. When I did not return, he had left a message with Bhulabhai Desai. Mohammad Taher had a friend in the Bombay Police and had learnt from him that all the Congress leaders would be arrested early next morning. Taher's friend also told him that he did know it for certain, but it was reported that we would also be transported out of India, perhaps to South Africa.

I had heard similar rumours in Calcutta before I left. Later I came to know that the rumour was not without foundation. When the Government decided that we should all be arrested, they also thought that it would not be politic to keep us in the country. In fact, approaches had been made to the Government of South Africa. There must have been some last minute hitch, for later the decision was changed. We soon found out that the Government had planned that Gandhiji should be detained at Poona while the rest of us should be imprisoned in the Ahmednagar Fort Jail.

Bhulabhai was greatly disturbed by this news, and that is why he was waiting for me. I was very tired and in no mood to listen to such rumours. I told Bhulabhai that, if the news was true, I had only a few hours of freedom. It was better that I should have my dinner quickly and go to sleep so that I could face the morning better. I would rather sleep than spend my few hours of freedom in speculating about rumours. Bhulabhai agreed and soon I lay down to sleep....

(Early morning) I felt someone touch my feet. I opened my eyes and found Dhirubhai Desai, son of Bhulabhai, standing with a sheet of paper in his hand. I knew what it was even before Dhirubhai told me that the Deputy Commissioner of Police Bombay had brought this warrant for my arrest. He also told me that the Deputy Commissioner was waiting in the verandah. I told Dhirubhai to inform the Deputy Commissioner that I would take a little time to get ready.

I had my bath and then dressed. I also gave the necessary instructions to my Private Secretary, Mohammad Ajmal Khan, who had by now joined me. I then came out on the verandah. Bhulabhai and his daughter-in-law were talking with the Deputy Commissioner. I smiled at Bhulabhai and said that the information his friend brought last evening had proved correct. I then turned to the Deputy Commissioner and said 'I am ready'. It was then 5 a.m.*

The Government could not have been more thorough in meeting the Congress move. Within a few days, almost everyone who was of importance in the Congress organisation

**India Wins Freedom*, pp. 83-84

was arrested and put in jail. “The A.I.C.C. and all the Provincial Congress Committee, except in N.W.F.P., were declared unlawful organisation. The Congress headquarters at Allahabad were seized by the police and the Government confiscated the Congress funds. Rigorous control was imposed over the publications of news and comments to such an extent that several newspapers, including the *Harijan* of Gandhi, had to suspend publication.”*

If the purpose of the Government in taking swift and drastic action, which they did, was to strike terror and suppress all activity in support of the Congress, it entirely failed. The removal of all the leaders of the Congress not only exasperated the people; it left them without anyone who could guide or control them. “As soon as Gandhi and his followers were removed to prison, the cult of non-violence, as understood and preached by them, came to an end – never more to figure as a potent force in India’s struggle for freedom. Jawaharlal Nehru noted with regret that ‘the people forgot the lessons of non-violence which had been dinned into their ears for more than twenty years.’” No doubt, the people began with hartals and non-violence demonstrations. These were, however, forbidden by the authorities, and lathi charges and firing were freely resorted to stop them. In the result, people were driven to violence. The Government found itself face to face with a countrywide revolt, which, though unarmed, was violent in character and the like of which had perhaps not been witnessed since the Revolt of 1857.

It would be inappropriate for us to enter into a detailed account of what happened. It is enough to say that “the general picture that emerges from these accounts may

**History of the Freedom Movement in India*, Volume III, p. 645

be described as a widespread revolutionary upsurge of the people almost throughout India that manifested itself mainly in destructive activities". The movement led, in many places in Bengal and elsewhere, to attempts by the people to run parallel governments, imprisoning local and other officials. The Government's reprisals were, perhaps, even more violent and drastic. Lathi charge, whipping, shooting, imprisonment, pillage, arson, rape, barbarous physical torture of individuals in a variety of ways and collective fines (imposed mostly on the Hindus) were the order of the day, apart from the special measures of vengeance reserved for localities like Balia and Midnapore. . . . A statement issued by the A.I.C.C. in November 1942, refers to 'looting and burning of villages, rape and rapine on a mass scale, machine-gunning and even aerial attacks. Official estimates of the number of people killed and wounded by police or military firing on 1942 disturbances are: 1,028 killed and 3,200 wounded. These figures are certainly gross underestimates for it has been officially stated that such firing took place on at least 538 occasions, and besides this, people were frequently shot at by the police or the military from moving lorries. It is very difficult to arrive at even an approximately correct figure. Popular estimates place the number of deaths at 25,000; but, probably, this is an exaggeration. Perhaps, 10,000 may be nearer the mark.*

Such was the aftermath of the Quit India Resolution and the arrest of the popular leaders. The unarmed Indian masses could only demonstrate their justifiable bitter frenzy by the violence and destruction they resorted to. The retribution meted out to them by the foreign ruler was of a

**Ibid.*, pp. 657-658

piece with his earlier brutal methods of repression. One may conclude this chapter with a few words of Sardar Patel:

Never before had such widespread uprising happened in India in the history of the British Raj, as they did during the last three years. We are proud of the spirit in which people reacted.... The leaders were all of a sudden kidnapped from the midst of the people and people acted on the spur of the moment..... Gandhiji may not be there to guide the next struggle. Non-violence had taken, no doubt, deep roots, but one had to face the reality that violence was the order of the day in the whole world. It would be like the Devil quoting the scriptures, if the world outside criticised India if she switched over from non-violent to violent attempt to regain independence.*

* *Ibid.*, p. 678

Deadlock: Desai–Liaquat Pact

THE period of nearly three years – August 1942 to June 1945 – which followed the Quit India Resolution, was one of grave darkness and doubt for the Congress. “Over 60,000 persons had been arrested upto the end of 1942. The number of persons convicted was 26,000 and 18,00 persons had been detained under the Defence of India Rules. And thousands of Congress workers defied the police and went underground for many months.”*

Gandhi was in constant correspondence with the Viceroy, the House Member and the Secretary to the Government, still reiterating the gospel of non-violence and the stand he had taken at the meeting of the All India Congress Committee on the 7th and the 8th August, 1942. On the 29th January, 1943, he communicated to the Viceroy his decision to fast. In his letter, he bitterly complained of the complete misunderstanding of the Congress attitude and the repressive measures taken by the Government, stating that he could not help thinking that “the privations of the poor millions due to India-wide scarcity.....might have been largely mitigated, if not altogether prevented, had there been a bona fide national government responsible to a popularly elected assembly. If then I cannot get soothing balm for my pain, I must resort to the law prescribed for the satyagrahis, namely, a fast according to capacity. I must commence after the early morning breakfast

**History of the Freedom Movement in India*, Volume III, p. 658

of the 9th February a fast for twenty-one days ending on the morning of the 2nd March.”* Correspondence followed between Gandhi and the Government, and statements were made by either side. A wave of anxiety in the public mind spread throughout the country as the fast commenced. On the 17th February, H.P. Mody, N.R. Sircar and M.S. Aney resigned from the Viceroy’s Executive Council on ‘a fundamental issue’, namely, Gandhi’s fast. An intense countrywide agitation for his release was started. On the 19th February, a non-party conference attended by the representatives of almost every section of opinion met at Delhi and urged on the Government the desirability, in the interest of Indo-British relationship, of Gandh’s immediate release; but the Government remained adamant. Even President Roosevelt’s personal envoy in India was refused permission to see Gandhi at the Agha Khan Palace, where he was confined. As the end of the period of fast drew nearer, Gandhi looked brighter. The gates of the palace-prison were opened for the last time on the 2nd March, the final day of the fast, to the visitors who had been allowed to see him during the fast. The indomitable satyagrahi belied the fears of the anxious public and survived the trying ordeal.

The fast over, an intense agitation swept the country and had its echoes even in places abroad for a solution of the deadlock. On the 9th and the 10th March, 1943, a major conference of the country’s leading politicians and industrialists was held under the chairmanship of Tej Bahadur Sapru. The Conference resolved that the deplorable trend of events in the country required a reconsideration of policy both by the Government and the Congress. A statement issued by the Conference said:

**Mahatma*, Volume VI, p. 237

The recent talks which some of us have had with Gandhiji lead us to believe that a move for reconciliation at the present juncture will bear fruit. It is our conviction that, if Gandhiji is set at liberty, he will do his best to give guidance and assistance in the solution of internal deadlock and that there need be no fear that there would be any danger to the successful prosecution of war. The Viceroy may be approached on our behalf to permit a few representatives on our behalf to permit a few representatives to meet Gandhiji to authoritatively ascertain his reaction to the recent event and to explore with him avenues for reconciliation.

Among the signatories to the statement were Sapru, Jayakar, Rajagopalachari, Bhulabhai and other. The Viceroy gave a curt reply, refusing the leaders' request: "The matter can be considered further, only if certain assurances and guarantees are previously obtained from the Congress leaders in detention." It is to be noticed that both Rajagopalachari and Bhulabhai had joined non-party men on his platform, and signed the statement adopted by them. This would seem to emphasise Bhulabhai's dissociation from the Quit India Resolution and the movement which followed.

The inter-change of a long and interminable correspondence replete with assertions and arguments between Gandhi and Viceroy, Lord Linlithgow, whose term was coming to an end, continued; but the country was no nearer the resolution of the stalemate between the Congress and the Government. Two important facts need, however, to be noted. The mind of the Muslim leaders was gradually, but inevitably, moving towards a division of the country. It appears that, during Gandhi's fast in February 1943, Rajagopalachari had seen him when he was in detention "and got his blessings to

his plan of negotiating with Jinnah on the basis of Pakistan". Rajagopalachari later carried no negotiations with Jinnah. So great was the change which had come over Gandhi that he himself now suggested to Jinnah that they should meet and talk over the matter. This was perhaps inevitable, in view of the attitude of the All-India Muslim League, which had, in December 1943, started a new slogan "Divide and Quit", presumably as counteraction to Gandhi's "Quit India".

Soon after the commencement of the year 1944 came the tragedy of Kasturba's death on the 22nd February, 1944, in the Agha Khan Palace where Gandhi was imprisoned.

In April 1944, Gandhi fell ill in prison, and on the 5th May, followed his release. He moved from the Agha Khan Palace to a private residence in Poona, from where he later moved to Panchgani for reasons of health.

There is little doubt that Lord Linlithgow's retirement from the Viceroyalty on the 20th October, 1943, had meant a change in the atmosphere at Delhi and Simla. He had held office for seven and a half years – perhaps longer than any other Viceroy – and, as was observed, had left India far more divided than it was when he took office. The new Viceroy was Lord Wavell, who had been Commander-in-Chief in India during the disturbances of August 1942.

Not only was there a change in the head of the Government, but the fortunes of the war had begun to smile on the Allies, who, it appeared, were bound to be victorious. The changed aspect seemed to have altered Gandhi's views also. In July 1944, he granted an interview to a correspondent of the *News Chronicle* of London, Stewart Gelder. There was a good deal of controversy about the publication by Gelder of an account of this

interview, Gandhi's understanding with him being that it was not to be published. However, it was clear that what was conveyed to the correspondent was for the purpose of being put before the Viceroy as Gandhi's new policy in the changed situation, subject to its acceptance by the Working Committee. To a question by Gelder what Gandhi would say to the Viceroy, Lord Wavell, if he saw him, Gandhi's answer was that "he would tell the Viceroy that he sought the interview with a view to help, and not to hinder, the Allies and it was to this end he had asked for permission to see the members of the Congress Working Committee". Questioned further whether, if the Working Committee was released and the Government refused to give India what they wanted, he would start civil disobedience, Gandhi said: "If the Working Committee came out, they would take stock of the situation and would discuss things among themselves and with me. I can tell you this that I have no intention of offering civil disobedience to-day. I cannot take the country back to 1942; history can never be repeated. Even without the authority of the Congress, if I wanted to do that, I could start civil disobedience to-day on the strength of my supposed influence with the masses, but I will be doing so merely to embarrass the British Government. This can't be my object." When told by the correspondent that he could not believe that the British would transfer authority to Indians and concede the demand for independence while the war was on, Gandhi said that "there was a difference between what he would ask to-day and what was asked in 1942. To-day he would be satisfied with a national government in full control of civil administration. It was not so in 1942. Such a government would be composed of persons chosen by the elected members of the Central Assembly. This would mean the

declaration of the independence of India, qualified as above, during the war.”*

There could not have been a more revolutionary change in the attitude of Gandhi, compared to what it had been in August 1942. Such would seem to be the vicissitudes of politics. What, however, interests us most is the definite view expressed by him that a national government in charge of the civil administration composed of persons chosen from the elected representatives in the Assembly would satisfy the Congress during the duration of the war. This was, as we shall see later, broadly what Bhulabhai with his approval sought to achieve.

The attitude of the Congress towards the Muslim League and Jinnah appeared also to have radically changed, if one were to judge of it from the attempt made by Gandhi to arrive at a rapprochement with Jinnah in September 1944. It is probable that a considerable number of Congress leaders was not in favour of these negotiations, which eventually failed. But it is clear that Gandhi, who still dominated the Congress, had been persuaded to look with approval on the formula which Rajagopalachari had been at pains to evolve in his negotiations with Jinnah for months. This was published on the 10th July, 1944, by Rajagopalachari. The parties to the agreement were to be the Congress and the Muslim League. The formula ran as follows:

- (1) The Muslim League was to endorse the demand for independence for the transitional period.
- (2) At the end of the war, a commission would demarcate those contiguous areas in North-West, and North-East India in which the Muslims were in an absolute majority, and, in those areas, a

**Ibid.*, pp. 317-318

plebiscite of all the inhabitants would decide whether or not they should be separated from Hindustan.

- (3) In the event of separation, agreements would be made for defence, commerce, communications and other essential purposes.
- (4) The terms should be binding only in case of transfer by Britain of full power and responsibility for the governance of India.*

When these negotiations took place, the country had been, for about two years, the victim of an intensive campaign of repression and all the prominent leaders of the Congress movement were imprisoned. With Gandhi's vast influence over the masses and his acknowledged leadership, which had almost universal sway, the Liberals had ceased to be a force in politics. Yet, many of them publicly questioned the path which Gandhi, influenced by Rajagopalachari, the arch votary of political power and the stormy petrel of Indian politics, was pursuing. Even the Viceroy, Lord Wavell, (who had succeeded Lord Linlithgow,) fully conscious of the economic and strategic unity of the sub-continent, had repeated the view expressed by his predecessor in his speech in the Central Legislative Assembly on the 7th February, 1944, that India could not be divided. He asserted: "You cannot alter geography. From the point of view of defence, of many internal and external economic problems, India is a natural unit. That two communities and even two nations can make arrangements to live together in spite of differing cultures of religions, history provides many examples."** The comment of the Liberals was: "Here are Congress leaders meeting the head of the Muslim League to discuss a formula which was hardly different from that visualising a

**Ibid.*, p. 332

***History of the Freedom Movement of India*, Volume III, p. 683

partition of the country.” It was widely believed that, but for the stiff attitude shown by the Congress in provinces in 1937, the country would not have been faced with the disastrous contingency of vivisection. History, however, was to run its course. The Congress leadership, notwithstanding Gandhi’s later passionate opposition to a partition, accepted a division of the country, which has imposed disastrous burdens of India and created problems between us and Pakistan, which appear to have baffled all attempts at solution.

It is irrelevant to our purpose to follow the course of Gandhi-Jinnah conversation. On the 27th September, Jinnah announced the termination of the conversations, the leaders having failed to reach an agreement. Though both Gandhi and Jinnah suggested that the negotiations might be resumed, the correspondence between them, which was released soon after, showed that these hopes were not based on realities.

In the situation which had arisen a statesmanlike and bold attempt was made by Bhulabhai, with Gandhi’s consent, to achieve what then was Gandhi’s immediate objective, namely, an interim national Government representative of the parties in the Assembly. His attempts failed in circumstances and for reasons which we shall presently examine. Its failure and the attitude of the Congress Working Committee, after their release from detention, to this attempt made by Bhulabhai meant, as a noted publicist has said, “the political extinction” of Bhulabhai. It will, therefore, be the author’s duty to closely examine the relevant facts, so that one may judge how far the attitude of the various persons who acted their part was correct and justified.

Various issues will have to be sifted. Did Bhulabhai act with the consent and approval of Gandhi in initiating

and completing the negotiations? Did Bhulabhai act beyond Gandhi's instructions, or, putting it different, did he exceed his brief? Did not Bhulabhai take care to ascertain that Jinnah's consent had been obtained to the agreement? Was there a 'bypassing' or 'stabbing in the back' of the Working Committee while they were imprisoned? Was the attitude of the members of the Working Committee after their release justified and fair to Bhulabhai? If it was not, what were the probable motives which led to their action? And, finally, if Bhulabhai had acted with his consent and approval, why did not Gandhi protect him? A look at the incontrovertible facts and the documents and statements published would probably furnish answers to most of these questions.

As already noted, in the early hours of the 9th August, 1942, the members of the Working Committee and leading Congressmen were removed to Ahmednagar to be detained in the jail in Ahmednagar Fort. Among these were Nehru, Sardar Patel and Syed Mahmud, a nationalist Muslim from Bihar, who was, after independence, for a time, a member of the Union Cabinet. It appears that for some reason, Syed Mahmud was released from the Ahmednagar Jail some time in 1944, and was at Wardha and Gandhi in November 1944, and, perhaps, even earlier. Every effort made by Gandhi and non-party leaders to solve the deadlock and achieve the release of the leading Congressmen had failed. The avenue of a settlement with the Muslim League followed by a national government for the duration of the war appeared also to have been closed by the termination of Gandhi's conversations with Jinnah. Gandhi, it appears, therefore, wished to explore the possibility of persuading Bhulabhai, as the leader of the Congress Party in the Central Assembly, to approach the Viceroy in an endeavour to resolve the

deadlock which had paralysed Indian political life. This is clear from a letter dated the 18th November, 1944 found in Bhulabhai's papers and address by Syed Mahmud from Wardha to Bhulabhai in Delhi. The letter needs to be set out in full:

Private and Personal

Sevagram, Wardha

18-11-44.

My dear Mr. Bhulabhai,

Some Muslim friends have written to us here that, if Mahatmaji had given some rough idea of interim Government to Mr. Jinnah at the time of their talk, an agreement might have been reached. You may have seen Dr. Abdul Latif's letter in the Press. Bapu has asked you to do all you can in Delhi in communal as well as other matters.

News has reached that Nawabzada Liaquat Ali is keen to come to terms with the Congress if the function and composition of the interim Government are settled. I do not know how far these rumours are correct. You must have had a talk with Nawabzada. If there is any truth in this rumour, there will be no difficulty on the side of Gandhiji. You know his mind and you can take any step you deem fit and proper in this respect.

I am writing this letter with the knowledge and consent of Bapu, who has seen this letter. We saw in the papers to-day that you had an interview with the Viceroy.

You must have received my previous letter. I wonder if you thought fit to take any action on it.

With kind regards,

Yours very sincerely,

Syed Mahmud.

The previous letter referred to by Syed Mahmud in this letter has not been traced.

The Viceroy also appears to have been anxious to explore avenues for resolving the deadlock. We have a letter from his Private Secretary to Bhulabhai, dated the 7th November, 1944, inviting him to meet the Viceroy on the 15th November. Though we do not have a record of what happened at this interview in Bhulabhai's papers, V.P. Menon tells us what happened at the interviews which took place between Bhulabhai and the Viceroy about this time:

The Viceroy also saw Bhulabhai Desai, leader of the Congress Party in the Central Legislative Assembly. Desai told the Viceroy that he himself was content with Dominion Status; that the difference between Dominion Status and Independence seemed unreal. There was, he said, no desire on the part of the Congress High Command to precipitate the crisis..... Desai said that the Congress was prepared to include in any ministry a Muslim nominated by the majority of Muslim representatives in a provincial assembly, subject, however, to acceptance by such nominee of the principle of collective responsibility and ordinary Congress discipline. While the Congress would be entitled to claim reciprocity in Bengal and the Punjab, he doubted if it would, in practice, necessarily do so, though the position might be different in Sind. He stressed the importance which the Congress attached to majority rule and to collective responsibility in the cabinet.

Gandhiji, on his part, was anxious for a basis on which to bring about a peaceful solution. He did not want to break with the Government.*

**Transfer of Power in India*, V.P. Menon, Orient Longmans, 1957, p. 73

Evidently, news of this interview seems to have been published in the papers, and the interview with the Viceroy referred to by Syed Mahmud in his letter of the 18th November was evidently the interview of the 15th November, 1944.

Following the letter from Syed Mahmud, which specifically, suggested negotiations with Liaquat Ali, Bhulabhai seems to have had several meetings with Liaquat Ali for discussions in regard to the possibility of the formation of an interim government.

It appears that, after these conversations, Bhulabhai met Gandhi on the 3rd to the 5th January, 1945, at Sevagram and mentioned to him the substance of his conversations with Liaquat Ali. Having obtained his general approval, in the words of Bhulabhai in a statement which we shall see later, “I went to Delhi, had further conversations with Nawabzada, told him that I had Mahatmaji’s support in these proposals and that I would reduce them to writing.”

It appears from the statements made by Abdul Kalam Azad and Pyarelal that Gandhi had not only orally approved of the proposals, but had intimated his approval in writing to Bhulabhai. “Bhulabhai Desai met Gandhiji and reported to him his discussions with Liaquat Ali Khan and other friends. Gandhiji used to observe every Monday as a day of silence, and since Bhulabhai met him on a Monday, Gandhiji wrote out a reply in Gujarati. The purport of his advice was that Bhulabhai should go ahead, and, after ascertaining the details, report back to him.”*

**India Wins Freedom*, p.p. 134-137

However, it appears that a record of the conversation of Gandhi with Bhulabhai was kept in a note at Wardha.* “In a note summarising his conversations with Bhulabhai, he (Gandhi) wrote: ‘Let no one use this as a cover for himself; but let everybody think and decide independently. This can, however, be used to show that I was not opposed to this move. If a Congress-League coalition of my conception is formed, I would welcome it. If the Congress and the League join hands in parliamentary work, I would like it. But, for that, you should obtain the authority of the Working Committee. Without it, I see danger in concluding any pact. The League ought to join in securing the release of the Working Committee..... I would not like you to allow yourself to be dragged in anyhow’.” Pyarelal records the various steps proposed to be taken as they emerged from the discussions between Gandhi and Bhulabhai. One of such steps was: “At the proper moment, Gandhiji would tell the Working Committee the Bhulabhai had acted with his approval.”**

As to what happened next may be stated in Bhulabhai words in the statement already referred to:

I prepared two copies of the documents and met the Nawabzada on January 11, and both the documents were initialed by both of us; he kept one and I have the other. At that time also, I informed him that the substance of the proposals had been put by me before Gandhiji and he had approved of them.

Fortunately, in Bhulabhai's papers is to be found what is evidently one of the two copies of the document which bears the initials of both Bhulabhai and Liaquat Ali Khan.

**Mahatma Gandhi-The Last Phase*, Volume I, Pyarelal, Navajivan Publishing House, Ahmedabad, 1956, p. 123

***Ibid.*, p. 124

There is also to be found in his papers a draft of the document in Bhulabhai's handwriting which bears alterations in the handwriting of Gandhi, clearly indicating that the draft was looked into and corrected by Gandhi.

Bhulabhai had made an explanatory note in his own handwriting which he showed to Gandhi when he visited him from the 3rd to the 5th January, 1945. Gandhi had made some alterations and additions to this note in pencil in his handwriting. The note contains some questions in Bhulabhai's handwriting which presumably were put to Gandhi and answered by him by signs or in some other manner as it was his day of silence. This note is printed below – the additions made by Gandhi being printed in italics.

I understand that the steps would be somewhat as follows:

The League agrees with us as to composition of the interim government at the Centre. *The agreed nominees will be responsible to the elected legislature.*

The League agrees that if the proposal is accepted by the G.G., the first step to be taken by the new Government will be to release the Working Committee.

On this being done, the G.G. will be requested to accept the composition other elected parties or elements).

On the G.G. agreeing, an interim Government would be formed & when the Working Committee is thereafter released, you will be good enough to tell them that this step was taken with your approval.

Q. Is the agreement of the League to release the Working Committee as the first step of the new provisional Government (sufficient)* *preliminary* proof of their *bona fides*?

*Scored out by Gandhiji. A Photostat of the note in Bhulabhai's and writing and alterations made by Gandhiji is reproduced in Appendix I.

If the new provisional Government is formed while the Working Committee is still in detention, and the new Government releases them, why do you see the danger in the way of permanent solution of the Hindu-Muslim Question?

The danger lies with the L.A. being equivocal and two-faced.

The utmost I urge is this that if an interim Government is formed with the agreement of the League, & the team works fairly smoothly, the League may (without openly admitting it) cease to be keen on the Pakistan (division of some such sort).

The provisional Government which can be formed now with the consent of the League and G.G. is within the framework of the present act and it will consist of all Indian Representatives except the Commander-in-Chief [and conceivably a representative of the elected European group in the Assembly (which consists of eleven members).]* *nominated by the Congress and the League and responsible to the elected members.*

Have you anything to say about this?

It will be clearly understood between the Congress and the League that any measure not passed by the House shall not be enforced or sought to be enforced by any of the powers of the G.G. under the Constitution. (This is the import of "responsible to the House").

The European member (if one has to be accepted) should be the choice of the Congress and the League.

We shall now set out the terms of the document intialled by Bhulabhai and Liaquat Ali Khan, so that we may have an accurate idea of what had been agreed to by them:

*Scored out by Gandhiji

Proposals for the formation of Interim Government at the Centre:*

The Congress and League agree that they will join in forming an interim government in the Centre. The composition of such government shall be on the following lines:

- (a) Equal number of persons nominated by the Congress and the League in the Central Legislature (persons nominated need not be members of the Central Legislature).
- (b) Representatives of minorities (in particular scheduled castes and the Sikhs.)
- (c) The Commander-in-Chief.

The Government will be formed and function within the framework of the existing Government of India Act. It is, however, understood that, if the Cabinet cannot get a particular measure passed by the legislative assembly they will not enforce or seek to enforce the same by resort to any of the reserve powers of the Governor-General or the Viceroy (this will make them sufficiently independent of the Governor-General).

It is agreed between the Congress and the League that, if such interim government is formed, their first step would be to release the Working Committee members of the Congress.

The steps by which efforts would be made to achieve this end are at present indicated to take the following course:

On the basis of the above understanding, some way should be found to get the Governor-General to make a proposal or a suggestion that he desires an interim government

*A Photostat of the original signed by Bhulabhai and Liaquat Ali Khan is reproduced in Appendix II

to be formed in the Centre on the agreement between the Congress and the League and when the Governor-General invites Mr. Jinnah and Mr. Desai either jointly or separately, the above proposals would be made, desiring that they are prepared to join in forming the Government.

The next step would be to get the withdrawal of section 93 in the provinces and form, as soon as possible, provincial governments on the lines of a coalition.

B.J.D. 11/1/45.

L.A.K. 11/1/45.

From statements made by Pyarelal and from the documents available in Bhulabhai's papers it appears that in the later part of January and February, April and June, 1945, there were communications between Gandhi and Bhulabhai in regard to the Pact. In January newspapers reported some statements made by Jinnah and Liaquat Ali which created misgivings in Gandhi's mind. These are expressed in letters from Sevagram to Bhulabhai dated the 24th and the 31st January, 1945. Bhulabhai appears to have written to Gandhi on the 1st February re-assuring him to which Gandhi appears to have replied on the 2nd February. On the 20th February Gandhi writes to Bhulabhai stating that "subject to approval of the Working Committee let the scheme take the shape you have given". There is an undated letter from Gandhi to Bhulabhai which appears to be a little later in date which states *inter alia* that "he (Bhulabhai) should go ahead without fear. This letter may not be used by anyone to protect himself. Let everyone act according to his free will. Let them know that I am not against them. Let them make use of this letter. Do what you can for the Hindu-

Muslim problem. I would be glad if a Congress-League Ministry is formed as I have suggested.” On the 9th April Gandhi writes to Bhulabhai from Bombay referring to the new situation created by the intention to inflict the extreme penalty of the law on the prisoners of Chimur. In June, Gandhi seems to have been at Mahabaleshwar and there is a long letter from him dated partly the 7th and partly the 11th June to Bhulabhai acknowledging Bhulabhai’s letter to him and stating his views in respect of the terms embodied in the pact. It appears from Pyarelal’s account that Bhulabhai met Gandhi at Mahabaleshwar in June 1945 when, it being Gandhi’s silence day, Gandhi wrote out his views in a note for Bhulabhai. It would thus appear that throughout the months which preceded the release of the Working Committee members in June 1945 Bhulabhai was acting in the matter of the pact in close collaboration with Gandhi.

Turning to Delhi, a letter dated the 13th January, 1945 from the Viceroy’s Private Secretary to Bhulabhai Desai, which is to be found in his papers, indicated that Bhulabhai had a further interview with the Viceroy on the 20th January, 1945. The letter states:

You will appreciate that he only wishes to have a general talk with you on the views expressed to me this afternoon, and would like our talk and his further discussions with you kept entirely private.

We have no information as to what transpired at this interview or whether the fact of the agreement which is recorded in the initialed document was communicated to, or discussed with, the Viceroy.

We may now, for a while, leave our narrative of the events relating to the Pact to take note of a few important happenings in March 1945. After his interviews with the Viceroy and the initialing of the Pact between him and

Liaquat Ali Khan, Bhulabhai continued to take interest in the resolution of the deadlock, which was still continuing. He was, it appears, in correspondence with Cripps in London about the time Wavell was in Britain for consultations with the British Government. Cripps wrote to Bhulabhai on the 27th March, 1945 acknowledging Bhulabhai's letter of the 21st March. The letter may be reproduced:

Ministry of Aircraft Production,

Millbank, London, S.W.I.

27th March, 1945

My dear Bhulabhai Desai:

Thank you for your letter of the 21st March. It was very nice indeed to hear from you again. I remember very vividly the pleasant day I spent in your house at Bombay.

I have of course been most interested in your conversations with the Viceroy and now that he is back we shall have the opportunity of discussing all the matters with him.

The moment is now so auspicious as it was when I was in Delhi in 1942. I know you then gave your support to my suggestions and I too feel that it was most unfortunate that we could not then get agreement.

We must however continue in our efforts to bring about a solution and to make some progress, however, difficult persons and parties may seem to make the situation.

Before very long we shall be embarked upon a General Election in this country and no doubt the outcome of that election will have its considerable influence upon the Indian situation.

I am more than ever convinced that we have got to use a great deal of inventiveness as regards to the new

Constitution for India, since our methods of Western Democracy are not I believe suitable to so large and densely populated a country as India, or to the communal situation which tends to make permanent the majority and the minority. The consent of the minority in our form of democracy depends upon the hope that one day it will become the majority through change of political views. Where, however, the differences are social or religious there is not that same reason for consent by the minority and I believe that we must invent some new means by which we can assure it.

I am sure that you too are thinking along these lines and I hope that the Sapru Committee may be able to make some suggestions along these lines.

My best wishes to you and my hope for a speedy breaking of the impasse go with this letter.

Yours sincerely,
P. Stafford Cripps.

It may be mentioned that Tej Bahadur Sapru with some others was as ever busy trying to evolve formulae which might result in solving the difficulties which had arisen, so as to bring about the release of the leading Congressmen.

As event of much greater significance and, indeed, of poignant interest in view of subsequent events was Bhulabhai's last memorable speech in the Budget Session of the Assembly in March 1945.

It is interesting to relate the circumstances in which Bhulabhai's last appearance in the Assembly came to be made. Many leading men felt that the Government of India should not, taking advantage of the absence of the Congress representatives in the Assembly, be permitted to carry through in the Assembly a vote, adopting the War

Budget, Bhulabhai, as the leader of the Opposition, representing the Congress in the Assembly, was requested by them to attend the Budget Session and organise opposition so as to defeat the Budget. Bhulabhai, however, pointed to the resolution of the Working Committee, which had decided that the Congress should keep away from the Assembly. However, just before the session was about to commence, Sarojini Naidu, one of the members of the Working Committee, was released, and she came to Delhi. Those who held the view that the Congress representatives should attend the session in order to throw out the Budget, approached her, suggesting that, as the only member of the Congress Working Committee outside the jails, she was entitled to direct such a course of action if she approved of it. Eventually, Sarojini Naidu was persuaded to request Bhulabhai to go to Delhi and discuss the matter with her and the Congress members of the Assembly who would also be in Delhi at the same time. On Bhulabhai's arrival in Delhi, the matter was discussed as planned. Bhulabhai took the view that the mandate of the Working Committee prevented them from attending the session. Eventually, however, it was decided that Sarojini Naidu should assume the responsibility of directing Bhulabhai as the leader of the Congress Party to attend the Assembly for the specific purpose of organising opposition to the Budget and throwing it out.

Bhulabhai's great qualities as a parliamentarian and a leader were shown at their best on this occasion. He organised an opposition to the Budget with the co-operation of the Muslim League as well as the Independent members of the Assembly. The Government made strenuous efforts to prevent a vote against the Budget; indeed, it was rumoured that two members of the Muslim League were induced to leave Delhi, so that they might not attend and

vote against the Motion. However, in the result, the vote went against the Government by a narrow majority, proclaiming to the world that, even in the Assembly as then constituted, the war effort of the Government had not the support of the people's representatives.

Liaquat Ali Khan, who preceded Bhulabhai, had said: "We want separate States, so that each of these communities may develop in accordance with its own culture, its own ideology and ideals. Let me tell you that Pakistan is not a demand for the slavery of India. It is a demand for freedom of India. It is a demand for the freedom of Hindus, Mussalmans, Sikhs and everyone else. That is the proposition which we have put forward as the solution of the Indian Constitutional problem.... Therefore, Mr. President, I do hope that the day will come, sooner than most people expect, when India shall be free and both Hindu and Muslims will live in peace." These words sound to us who have witnessed the treatment of minorities in Pakistan ever since its formation, a strange and altogether mistaken prognosis of the cruel facts which history has recorded for the last twenty years.

Bhulabhai, who followed Liaquat Ali Khan, concluded his contribution in eloquent, but pathetic language:

My Hon'ble friend, Nawabzada Liaquat Ali Khan, told you, and I am here to say it, that, if we had been entrusted with the government of this country and asked to defend our country and also defend those part of the world in which our country has a stake, we would have given that help in no unmeasured terms. My language may not be Nawabzada's; but my language is equally clear and has no doubt about it. . . . Of course, we will not do so as your henchmen. We will not do so in order that we may be subject again. . . . It may be that, in all human affairs,

thing do not right themselves quickly. But I do think myself and I am entitled to think so – what has the war given to this country, notwithstanding the apparent comfort of this House? There is nakedness in this country. There is a load of debt in this country. There is a sterilisation of commodities in this country on account of every means adopted by which this country could be drained. Notwithstanding this sorry state of affairs, we are expected to pass this. There is one thing that I will say, that in the midst of all that gloom, I do not forsake hope at all, and I will say this, and even to say that, because I believe it with the poet:

‘Father touch the East

Unlight the light

When hope was born.”

Next day came the very last words which the great Leader of the Congress Party was to address the Assembly. He said with biting satire:

There is one word more I should like to say. Day before yesterday, I heard an announcer of the B.B.C. announce in most stentorian terms – ‘Berlin is burning the purification’. I dare say, Sir, the wisdom underlying that has dawned on the world. If Berlin is burning for purification, I am quite certain that there are many empire-builders who also require a great deal more of purification. If Berlin is to purify herself of the sin of attempting to take away the freedom of England. England, in her turn, I dare say, will have to purify herself of many other similar sins. I have no doubt the time has now come for that penitence to be expressed in the form of action, and I hope, Sir, that the announcer did not confine the ceremony of purification and the necessity

of purifying itself of all the sins of imperialism to Berlin itself. It is a good lesson, which, I believe, Britain can take to heart to-day, and there should be no more excuse. As I said yesterday in support of the motion of rejection, it is quite clear that we now desire that the affairs of this country be managed by ourselves, by the representatives of the people.

That speech was one of his finest orations in the Assembly. Some members of the Executive Council crossed the floor immediately after the speech to congratulate him warmly. The Budget Estimates were rejected.

Gandhi's reliance on, and trust of, Bhulabhai at this time is indicated by an incident which happened some time before the release of the members of the Congress Working Committee. Charges were leveled that the members of the Communist party, who had joined Congress, had been carrying on propaganda contrary to the views and policy of the Congress after the Quit India Resolution in 1942. The Communists suggested that the charges against them should be examined by a tribunal, for which they gave names. Gandhi sent the evidence that had come to him to one of them – Bhulabhai. Bhulabhai, evidently, reported against them. Gandhi ruled that the Communists could not be excluded from the membership of the Congress; nor could they as such be dealt with or any action be taken against them as Communists. But, individuals who had acted against the discipline of the Congress would be liable to action. On the release of the members of the Congress Working Committee in June 1945, the matter was put before them. The Committee, having taken note of Bhulabhai's finding, agreed with this view.

*

To resume our story of the Desai-Liaquat Pact, though it was to be kept a secret, it appears that stories of the

existence of such an understanding leaked out and it was mentioned in the Press from time to time. It is stated that, at a political conference held in April 1945, Bhulabhai publicly referred to an understanding between the Congress and the League. As has been said, "both Gandhiji and Jinnah were in the know of the plan; but they would say nothing about it publicly."*

In the meantime, the war was approaching its close and the atmosphere in England had changed appreciably. Public opinion was getting increasingly impatient of the continuance of the political statement in India. The Viceroy had proceeded to London in March 1945 in order to discuss the terms of a possible settlement with political leaders in India. After a stay of about ten weeks, he returned to Delhi on the 4th June and made a broadcast, setting out his proposals, on the 14th June. A conference of political leaders representing different groups was to be held at Simla on the 25th June.

Events had moved with dramatic rapidity in Europe. On the 7th May, Germany had surrendered unconditionally to the Allies. In the last week of May, Churchill had decided to hold a general election, and the National Government was coming to an end. The Labour Party in England, which was expected to come into power, had declared emphatically in favour of the immediate release of the political prisoners in India and for the resolution of the Indian political deadlock.

On the 15th June came the release of the members of the Working Committee. On the same day, Gandhi announced that, as the members of the Working Committee of the Congress were now free, he could only give them

**Mahatma*, Volume III, p. 1

his advice, and it was they who had to shape the policy of the Congress and speak and act on its behalf. However, Gandhi welcomed the proposed conference. He said:

The proposed conference can do much useful work if it is put in its proper political setting and is, at the very outset, rendered immune from any fissiparous tendency.... That is how I have viewed the Bhulabhai-and-Liaquat Ali understanding, which, I suppose, has laid the foundation for the forthcoming Viceregal conference.... His (Bhulabhai's) proposal, as I understand it, attracted me as one interested in solving the communal tangle, and I assured him I would use my influence with members of the Working Committee and give my reasons for the acceptance of his proposal and I have no doubt that, if both the parties to the proposal correctly represent their constituents and have independence of India as their common goal, things must shape well. At this point, I must stop and the Working Committee has to take up the thread. It is for the members to declare the Congress mind on the impending questions.*

Gandhi met the members of the Working Committee in Bombay on the 21st June. The Committee decided that the Congress should, as an organisation, take part in the Simla Conference. The Congress invites were therefore asked to accept the invitation of the Viceroy and attend the Conference. Bhulabhai had already, on the 13th June, heard from the Secretary to the Viceroy telling him that he had instructions from the Viceroy to convey to him a message as soon as possible after his broadcast statement:

**Ibid.*, p. 9

You might have heard of my broadcast of this evening. It will appear in the newspapers tomorrow with the text of the statement made by the Secretary of State in Parliament. I very much hope you will be able to attend the Conference which will begin at Viceroy's Lodge, Simla, at 11 a.m., on Monday, June 25. I shall be obliged for a reply by telegram. If you accept, please state whether you need assistance in arranging accommodation.

Apart from the message, the Secretary had added in the letter:

I feel I must add a personal note to express my earnest hope that you will see your way to accepting His Excellency the Viceroy's invitation, since I am convinced that the opportunity for the re-establishment of political contacts afforded by the Conference could, if availed of, bring about an end to the present deadlock.

Gandhi had informed the Viceroy that he would not attend the Conference, but would go to Simla to be available for any consultations, if needed.

Among those that attended the Conference on the 25th June were the Presidents of the Congress and the League, the Congress Leader and the Muslim League Deputy Leader in the Central Assembly (Bhulabhai Desai and Liaquat Ali Khan), and various other representatives of the Congress and the League. In the course of the Conference, the Viceroy had asked the Party leaders to furnish him with lists, from which he might select, on his own responsibility, the personnel of the new Executive Council. The Congress and all the minor parties had submitted their lists by the 7th July; but the Muslim League had refused to do so. The list submitted by the

Congress did not include the name of Bhulabhai. This, according to Abdul Kalam Azad, who as the President of the Congress, had presided at the Working Committee Meeting, was due to an “impression....created that Bhulabhai had tried to enter into the Executive Council behind the back of the Congress by reaching an agreement with Liaquat Ali Khan.”

The Conference ran its course and ended in a failure on the 14th July, mainly for the reason that the Congress refused, as a matter of principle, to accept the two-nation theory and insisted on including the names of nationalist Muslims given by it – Abul Kalam Azad and Asaf Ali – in the proposed interim government.

In September, the Working Committee and the All India Congress Committee reiterated the previous stand of the Congress and decided to contest the elections. The Congress, however, decided that the name of Bhulabhai who had represented the Congress as a leader of the Congress Party in the Central Assembly for a period of about ten years, should not be put forward as a candidate on behalf of the Congress.

Looking back, it appears that the allegation that Bhulabhai had by-passed the Working Committee and stabbed it in the back when it was in detention, had gained wide currency among the public and in the press. This resulted in Gandhi being interviewed at Wardha on the 29th July, 1945, and questioned in regard to this matter. An account of the interview appeared the next day in the *Free Press Journal* in Bombay under the caption GANDHI VINDICATES BHULABHAI – CONGRESS NOT STABBED IN THE BACK. In the course of the interview, Gandhi said: “I can say this much for Advocate Bhulabhai Desai, that the only intention he had was that of honourably resolving the deadlock and thereby

serving the Congress.” It appears that a long question was thereafter put to him by the Correspondent:

According to Dr. Pattabhi Sitaramayya, the Desai-Liaquat government first, to be followed by the release of members of the Congress Working Committee. This aspect of the formula has been interpreted variously by some as by-passing the Congress and by some others as ‘stabbing the Congress in the back’. You have stated in your statement issued from Panchgani that you blessed the formula as you thought that it would provide the basis for communal settlement. It is generally believed that you were consulted at every stage of the agreement. Is the interpretation put on the agreement that it by-passed the Congress Correct? Gandhi began his reply with what the Journal called a SERMON TO REPORTERS. He then answered the question:

There never was the slightest intention on the part of Advocate Bhulabhai Desai, on whose behalf alone I can speak, of ‘stabbing the Congress in the back’ or making an attempt to ‘bypass’ the Congress. She, himself made politically by the Congress, could never be guilty of any such intention, and, for me, I should be committing suicide if I could be a party to any such attempt.

I can say this much for Advocate Bhulabhai that the only intention he had was that of honourably resolving the deadlock, and thereby serving the Congress.

It would be wrong to say that I was ‘consulted at every stage’, but it would be strictly correct to say that Advocate Bhulabhai Desai saw me more than once about ‘the pact’.

There could not have been a more emphatic vindication of Bhulabhai by the great leader.

Let us not forget that the text of the Pact had not yet been published. Gandhi was therefore asked “whether the release of the members of the Congress Working Committee formed part of the agreement, whether it was agreed between the parties that the Muslim League alone should nominate Muslim members of the new government and whether, in view of so many statements and counterstatements, it would not be desirable to release the formula for publication.” Gandhi said: “I think that, in the foregoing, I have said as much as I could, consistently with the fact that the ‘pact’ has not seen the light of the day. I wish that the parties agreed to release it for publication.”

On the same day, the 30th July, followed a statement by Sri Prakasa, who was then the Secretary of the Congress Party in the Central Assembly, issued to the Press at Benares, condemning the propaganda that was being carried on against Bhulabhai in respect of the Pact. He expressed himself thus: “It is nothing short of a scandal that insinuations should be made against Mr. Bhulabhai Desai in connection with the negotiations that he carried on with Nawabzada Liaquat Ali Khan and the Viceroy.” He said:

I do not see how Mr. Bhulabhai can be accused of having by-passed the Congress when he stipulated with Nawabzada Liaquat Ali that the first thing that the new Government would do, would be to release the Working Committee. All Congressmen are under the discipline of the Congress and it stands to reason that, if after their release the Working Committee had come to some conclusion, not in conformity with Mr. Bhulabhai’s opinions, Mr. Bhulabhai Desai was at

their disposal as any other Congressman. The clear feeling of Mr. Bhulabhai and everyone else was to get the Working Committee out anyhow, so that normal political conditions may return and the tense situation be relieved.

It is more unfair to interpret the condition that the first thing that the Bhulabhai-Liaquat Government – if it should come into existence – would do, would be to release the Working Committee, as meaning that they were not to be released till the new government was formed. When the Government said that they would not take the responsibility of their release because they could take no risks, there seemed to be no other way out of the impasse than the one Mr. Bhulabhai suggested. We have every reason to be grateful to Mr. Bhulabhai for all he did, for, to me at least, it is clear that the releases and the conference that followed were all the result of his endeavours.

The interpretation of the condition, which Sri Prakasa so strenuously combated, was clearly unjustified. As we have seen, the Working Committee was released, so that the Congress might consider the Viceroy's proposals for an interim government and the Congress might also participate in the Simla conference.

On the 1st September, 1945, the *Bombay Chronicle* published a statement headed: TEXT OF DEASI-LIAQUAT PACT RELEASED. LEAGUE SECRETARY PUBLISHES CONFIDENTIAL PROPOSAL 'TO AVOID CONFUSION'. This was a statement made at New Delhi on the 31st August, 1945, by Liaquat Ali Khan in his capacity as General Secretary of the All India Muslim League. He published the text of the Pact already set out above, stating: "Mr. Desai gave to him (the Pact) in confidence in the course of his talk last year." He went on to state:

I am informed that Mr. Bhulabhai Desai, Leader of the Congress Party in the Central Legislative Assembly, has told the local Press of Bombay that so-called Desai-Liaquat Pact cannot be published, as I desired that it should remain confidential. As such a statement by Mr. Desai is bound to create a misunderstanding, I feel I must place all the facts before the public in this connection.

He then stated these facts:

Mr. Desai met me after the last session of the Central Legislative Assembly, and we informally discussed the prevailing distressing conditions in the country – economic and otherwise – and the terrible hardships and plight of the people due to the situation that was created on account of the war. The war in Europe was raging in its full fury and there was no indication as to when it would end and it was the opinion of everyone that it will take at least two years after the termination of hostilities in Europe to bring the war to a successful conclusion against Japan. India was to be the main base of the Allies for military operation in the East against Japan, which meant greater sacrifices by the people of India and much greater hardships and privations than what they have been facing in the past.

It was recognised all round that the Government of India with its present composition was incapable of dealing effectively with the various problems which had arisen and are bound to arise in the future.

Mr. Desai, in the course of the conversation, asked me about the attitude of the Muslim League with regard to some interim arrangement at the Centre and temporary reconstitution of the Governor-General's Executive

Council in a manner which would secure for it the confidence of all the people, so that it may be able to help them in the present plight and deal more effectively than what had been done in the past with the serious situation that is bound to arise in future on account of the prolongation of the war. I explained to him the position in the light of the resolutions that were passed from time to time by the Muslim League in this connection and told him that my personal view was that, if any proposals were made to ease the situation, the Muslim League was bound to give its very careful consideration to them as it had always done in the past, because the Muslim League was always anxious to come to the rescue of the people and assist them in their sad plight and help the country in tiding over the difficult period ahead. Mr. Desai saw me again in Delhi in the beginning of January this year, just as I was leaving on a tour of the Madras Presidency, and showed me some proposals which had been drafted for the formation of an interim government at the Centre, a copy of which he was good enough to give me and which was to be treated as strictly private and confidential and on the basis of which he told me he was going to make an effort to bring about a change in the composition of the Government of India.

He told me his plan was to meet the Viceroy and Jinnah in this connection. I told him that, in my personal opinion, the proposals were such that they could be made a basis for discussion, but I did not see any prospect of his making any headway unless he could either get Mr. Gandhi to move in the matter personally or get his definite approval and open

support for the move that he was making, as Mr. Gandhi was the only person who could deliver the goods of behalf of the Congress in the absence of the Working Committee. During my talks with Mr. Desai, which were purely of a personal nature, I made it absolutely clear to him that, whatever I had said was my individual view and I was not speaking either on behalf of the Muslim League or anyone else. If and when Mr. Desai felt that he could speak with authority on behalf of the Congress, he would have to approach the President of the All-India Muslim League who was the proper authority to entertain any proposals on behalf of the Muslim League. This is the history of these proposals which have been described in the Press by various names such as Desai-Liaquat Formula, Desai-Liaquat Pact and so on.

I have scrupulously respected the wishes of Mr. Desai and had treated the draft proposals as strictly private and confidential, and have not shown them to anyone, but, in view of the statement of Mr. Desai and the confusion that is being created, I feel that the proposals should be published, and, hence I am releasing them to press.

The statement was followed by a full text of the proposals, which has been already set out above.

Liaquat Ali Khan having stated that he had acted on his individual responsibility and not with the consent of Jinnah. Asaf Ali issued a statement to the Press, which was published in the *Bombay Chronicle* on the 3rd September, 1945, under the caption: WHY WAS JINNAH NOT INFORMED? In the course of his statement, he said:

Now that Nawabzada Liaquat Ali Khan has revealed the genesis and published the text of the Desai-

Liaquat Formula for an Interim Government, one is left wondering why these facts were not disclosed to the President of the Muslim League.

In a statement issued from Bombay on January 22 last, Mr. Jinnah said: 'All I know is that Nawabzada Liaquat, when his attention was drawn to this false rumour of having come to an agreement with Mr. Bhulabhai Desai, immediately characterised it as a lie and nonsense.'

Asaf Ali concluded his statement thus:

Nobody wants a hole-and-corner agreement between even responsible leaders of parties in their individual capacity. Matters of vital interest to masses must be clearly stated in public and everyone should be given an opportunity to judge for himself.

This brought a rejoinder from Bhulabhai, which was published in the *Bombay Chronicle* on the 11th September 1945, under the caption LIAQUAT DID CONSULT JINNAH, SAYS DESAI. Bhulabhai put the facts thus:

On my return to Bombay, my attention was drawn to the statement made by Nawabzada Liaquat Ali Khan regarding the Pact, the text of which he has now released to the Press. I must say that the publication agreeably surprised me. When I saw a press interview given by Gandhiji on June 28, in which he had suggested that the Pact should be made public, I immediately got into touch with Nawabzada and suggested to him that the text be issued to the Press, because the document speaks for itself and reveals all the material facts, about which, I fear, the Nawabzada's statement contains inaccurate statements.

Unfortunately, the Nawabzada had then not found it possible to approve of the publication of the Pact. I

note now that he has thought fit to publish it himself without any further reference to me. The better course, perhaps, would have been for it to have been jointly issued by us with an agreed statement. The statement he had issued along with the text of the Pact has given to the public a misleading picture.

In the first place, the statement fails to explain why, in spite of the existence of the Pact, which is now specifically admitted, the Nawabzada found it necessary during the past several months to repeatedly deny in public the existence of any sort of understanding between us. The public will realise now how embarrassing the situation was for me when the Nawabzada, on the floor of the Assembly and in his other utterances, was at pains to dispel the report that he and I had – however provisionally – agreed upon a joint course of action for resolving the political deadlock. If I then forbore and declined to be drawn into a public controversy, it was because I still clung to the hope of finding a satisfactory solution of our immediate problems.

The Nawabzada and I had several conversations in connection with the Pact, and, during the course of conversations, I had asked him to mention the matter to Mr. Jinnah, and, later on, I gathered from him that he had done so. After these conversations, I met Mahatma Gandhi on January 3 and 4 at Sevagram and mentioned to him the substance of the conversation, and, on getting his general approval. I went to Delhi, had further conversations with the Nawabzada, told him that I had Mahatmaji's support in these proposals and that I would reduce them to writing.

I prepared two copies of the documents and met the Nawabzada on January 11, and both the documents were initialed by both of us. He kept one and I have the other. At that time also, I had informed him that the substance of the proposals had been put by me before Gandhiji and he had approved of them.

Bhulabhai then quoted an extract from the Pact, which stated:

On the basis of the above understanding, some way should be found to get the Governor-General to make a proposal or a suggestion that he desires an 'Interim Government' to be formed in the Centre on the agreement between the Congress and the League, and when the Governor-General invites Mr. Jinnah and Mr. Desai either jointly or separately, the above proposals would be made, desiring that they are prepared to join in forming the Government.

Bhulabhai commented:

This quotation from the pact clearly bears out that the Nawabzada must have had conversations with Mr. Jinnah: otherwise, the assurance therein contained could not have found place in the document initialled by him.

He concluded by stating that the matter had ceased to have any significance in view of the repudiation by the Nawabzada as well as the President of the League, but that he had given the answer "to remove any wrong impression which may have been created in the public mind."

The final phase in this controversy between the authors of the understanding was reached in a statement dated the 18th September a, 1945, which was published in the *Bombay Chronicle* on the 21st September, under the

caption: LIQUAT'S REJOINDER TO BHULABHAI. He stated that Mr. Desai Knew full well that there was no 'pact' and that mere proposals which only were a basis for discussion were being given the status of a 'pact' for reasons best known to him. As to whether Jinnah was consulted, Liaquat stated:

I am afraid Mr. Desai's memory has not served him well when he says that he gathered from conversations that he had with me that I had consulted Mr. Jinnah about the proposals. I never gave him that impression. On the contrary, on every occasion that Mr. Desai had talks with me, I made it plain to him that, whatever I said was my personal view and that I had no occasion to consult Mr. Jinnah about the matter.

Now that the main facts have been stated and the available documents scanned, we may attempted an answer to the questions set out in an earlier paragraph, which needed elucidation. There is no doubt, as shown by Gandhi's repeated statements, that, in the matter of entering into and completing the negotiations, Bhulabhai acted with the consent and approval of Gandhi. Nor has it ever been suggested by Gandhi that Bhulabhai, in any manner, exceeded his authority or acted contrary to his instructions in the matter.

The only publicist who has asserted that, in negotiating the Pact, Bhulabhai exceeded Gandhi's instructions is Pyarelal.* After quoting a number of statements of Gandhi to Bhulabhai and others, he concludes: "But, in view of Gandhiji's repeated warnings that he should get everything reduced to writing before committing himself to anything, and, further, to see to it that it had Jinnah's

**Mahatma Gandhi – The last Phase*, Volume I, p. 126

approval, Bhulabhai, it seems, allowed his over-eagerness for results to get the better of his legal acumen and foresight and failed to take the elementary precautions that had been suggested to him. He chose to follow the line of least resistance.” On a careful perusal of the various statements quoted by Pyarelal as having been addressed to Bhulabhai, it is difficult to find support in them for the conclusion reached by him. Curiously enough, there is no reference anywhere by Pyarelal to the public statements by Gandhi which have completely exonerated Bhulabhai. Pyarelal omits to take note of the very important circumstance that Gandhi had at no time suggested anywhere what Pyarelal suggests about Bhulabhai’s conduct. It is surprising that in his publication, which is later than that of Abul Kalam Azad, no reference whatever is made to the observations made by Abul Kalam Azad in regard to the Pact and the attitude of the Working Committee to it. One cannot help having a feeling that Pyarelal has been led to put forward in a somewhat halting manner a point of view which may serve as a remote justification for the attitude of the Congress Working Committee to Bhulabhai’s action in entering into the Pact, which Gandhi was either unable or unwilling to persuade them to alter.

One may also here note that none of the other publicists, including the author of the official history of the Indian National Congress,* the author of the History of the Freedom Movement in India,** and the author of ‘Mahatma,’*** has suggested that Bhulabhai acted hastily

**History of Indian National Congress*, Volume II, Pattabhi Sitaramayya, Bombay, 1947, p. 661 et seq

***History of the Freedom Movement of India*, Volume III, p. 696 et seq

****Mahatma*, Volume VI, p. 1 et seq

or exceeded Gandhi's instructions, though some of them have taken the view, notwithstanding Gandhi's ideas to the contrary, that a settlement such as was embodied in the Pact would have affected the stand taken by the Congress in 1942 and its prestige.

On the question whether Liaquat Ali Khan had obtained Jinnah's consent before entering into the understanding, we have seen the conflicting versions of Bhulabhai and Liaquat Ali Khan. In the author's view, it is inconceivable that any person occupying the position of responsibility that Liaquat Ali Khan did in the Muslim League and the Assembly, could have acted without reference to Jinnah in a matter of such vital moment. What purpose would a mere individual understanding serve, unless the President of the Muslim League was, in the event of its becoming effective, to stand by it? Could it be that Liaquat Ali Khan should, on the one hand, insist on Gandhi's approval and consent being obtained by Bhulabhai as he himself admits, and at the same time act on his own side without the consent of Jinnah, who alone, using Liaquat's language, could 'deliver and goods' on his side? Further, there is, as pointed out only by Bhulabhai, inherent evidence in the documents which were initialled, that Jinnah must have been consulted. How could one of the terms provide for Jinnah taking the agreed course of action in the matter of the formation of the interim government, unless the previous approval of Jinnah to such understanding was obtained? In this connection, one may refer to a statement by Chowdhry Khaliqazzaman.* Referring to the statement issued by Liaquat Ali Khan, he writes: "I am constrained to think it probable that the statement was issued at the behest of Mr. Jinnah,

**Pathway to Pakistan*, Chowdhry Khaliqazzaman, Lahore, 1961, pp. 326-331

although the Nawabzada had done nothing more than followed the line of policy which Mr. Jinnah started since 1940 for a national government at the Centre.”

As to the allegation that there had been any ‘by-passing’ or ‘stabbing in the back’ of the Working Committee, we have already seen an emphatic public denial of it by Gandhi himself.

What then was the true reason for the attitude of the members of the Working Committee, after their release, to Bhulabhai’s part in bringing about the Pact? Was their attitude justified and fair to Bhulabhai who had endeavoured to solve the deadlock and to whose endeavours the Working Committee themselves owed their release? Fortunately, we have a very reliable source of information which enables us to answer this question. Our testimony comes from the President of the Congress himself, Abul Kalam Azad, who must have presided over the Working Committee meeting, taken an active part in its deliberations, and been a party to the decisions which it reached. Referring to these events, he states:

When we all came out of jail in 1945, these incidents were reported to us and led to a good deal of discussion among Congressmen. Unfortunately the discussions ignored the fact that whatever Bhulabhai did was with Gandhiji’s knowledge and permission. Sardar Patel took a special interest in the matter and, somehow, the impression was created that Bhulabhai had tried to enter into the Executive Council behind the back of the Congress by reaching an understanding with Liaquat Ali. I have already said that many Congressmen were jealous of Bhulabhai Desai’s rapid advance in the organisation and they were now enraged by what they thought was his lack of loyalty. Bhulabhai’s opponents were at successful in turning

Gandhiji against him by making certain allegations against Bhulabhai's private life. Many of these charges were false, but the propaganda was sustained for several months and did Bhulabhai permanent damage.

There were some people who sought to influence Gandhiji's judgment by working upon his close associates. They used to report various incidents to them in the expectation that these would reach Gandhiji's ears. Gandhiji generally had the capacity to ignore such insinuations and innuendoes but there were times when his judgment was affected if something was continually repeated to him by those who belonged to his personal circle. I remember an occasion when Gandhiji's mind had been poisoned in this way against Motilal Nehru. Jawaharlal had also once been the object of such a campaign. But in both these cases, when Gandhiji came to know the facts, he was able to take a fair and objective view of the whole matter. In the case of Bhulabhai, this, unfortunately, did not happen, and Gandhiji was accordingly estranged from him.

I have already mentioned that it was upon Gandhiji's day of silence that Bhulabhai sought his permission to negotiate with the Muslim League, so that Gandhiji had given his reply in writing. Bhulabhai had preserved this note and showed it to Sardar Patel and others. He pointed out that he had carried out the negotiations with Gandhiji's knowledge and consent and could not therefore be blamed.

There was, in fact, no reply to Bhulabhai's defence. Unfortunately, his protests were not heeded and reports continued to circulate that he had entered into the

intrigue with the League. Feeling against him became so strong that, when the General Elections were held in the winter of 1945-46, he was not offered a Congress ticket.*

This has indubitably to be accepted as the true version of how and from what motives this grave injustice was worked to this eminent public worker who had served the Congress with such zeal and distinction for years.

It is known that, though initially Sardar Patel was very friendly with Bhulabhai and had lived for long periods as his guest at his Bombay residence, in later years the relations between them became strained. Abul Kalam Azad had stated that some of the older members of the Congress were jealous of the position achieved by Bhulabhai. Could it be that their apprehension of Bhulabhai becoming their rival in the Interim Government contemplated by the Pact made them exclude Bhulabhai? Many Congressmen and the intelligentsia did in those days, to the author's knowledge, believe that, by what had been done by the Working Committee, Bhulabhai had been effectively removed as rival from the scene. Love of power and ambition dominate politics and have not unoften been the springs of many a raw deal and ruthless deed.

In view of the statement of Abul Kalam Azad that Sardar Patel took special interest in the matter it is the author's duty to set out a version of the events which the Sardar himself related to him and which would give the Sardar an altogether different role in this cruel episode. Probably early in 1946, when Bhulabhai was lying gravely ill, a question arose of the Congress arranging for the defence of some I.N.A. personnel whom the Government

**India Wins Freedom*, p. 136

still wished to place of trial notwithstanding the outcome of the Red Fort trial in November and December 1945. The Sardar knew the author well and wanted him to undertake the defence. It was however, known to him that at the Bar, and generally it was believed that Bhulabhai had been gravely wronged by the Congress leadership in having been refused even a ticket for the elections to represent the Congress, and that this feeling might well prevent the author from agreeing to take up the defence. The Sardar, therefore, sent the author a message to see him and the author had a long interview with him. The purport of it all was that it was Gandhi who had insisted, in consequence of the numerous unfavourable reports which he had heard about Bhulabhai's private life, on his exclusion from the Central Assembly as a representative of the Congress, and that the Sardar himself had pleaded hard for Bhulabhai and had tried his best to prevent his being treated in this unworthy manner. To an extent, this statement would seem to be supported by what has been said by Abul Kalam Azad.

A small personal recollection may not be out of place at this stage. Bhulabhai was naturally shocked and exasperated when he knew of the Congress decision not to give him a Congress ticket for the 1945 elections to the Legislative Assembly. In a manner quite characteristic of him he told some of his Congress friends – not in a spirit of bravado, but rather out of defiance – that the Congress, high and low though it may search, would not find his equal in ability to represent it in the Legislature. Two of them – one a close associate and another an admirer of Bhulabhai – who must remain unnamed, apparently had, like true politicians, now discarded the leader who had fallen from grace. They called on the author and pressed him in the name of the Sardar to stand for election

for the Assembly in Bhulabhai's place. There could be only one answer to such a request, and that was promptly and emphatically given. They could not expect a person, who had been so close to Bhulabhai in the profession for years, to help fill a void which the Congress itself had created by its underserved and cruel exclusion of him even though that person may have been otherwise inclined to accept the onerous responsibilities offered to him. This refusal by the author came to be known to Bhulabhai later when he was in Delhi doing the I.N.A. trial and he wrote thus on the 9th November, 1945, to the author:

Before I, left,————— had seen me about the effort that was made to induce you to go to the Central Legislature. I appreciate your attitude in your decision, which, under the circumstances I fully expected of you, knowing you as a man of honour and a man of personal affection for me.... I worked for the Congress for what it stands for, the freedom of this country, but in the history of the world it is known that an organisation may at some stage be controlled by people who may not see eye to eye with you. And in that spirit I have taken the inevitable with unconcern.....

The unjust and inexplicable attitude of the Congress Working Committee in barring Bhulabhai from a seat in the Assembly as a representative of the Congress has, not unnaturally, formed the subject matter of adverse comment by various publicists.

Dr. N.B. Khare,* basing himself on an interview which he claims to have had with Bhulabhai, makes very severe comments against Gandhi in respect of the treatment meted

**My Political Memories*, N.B. Khare, Nagpur, 1959, pp. 78

out to Bhulabhai by him and the Working Committee. He goes as far as to suggest that not only did Gandhi attempt to justify to Bhulabhai the attitude of the Working Committee but persuaded him not to ‘covet the insignificant job of the Viceroy’s Executive Council’. When, continuing Dr. Khare’s story, Bhulabhai refused to be persuaded and said that he could still obtain the seat on the Viceroy’s Executive Council if he wished, Gandhi, it is said, actually suggested that Bhulabhai should give him in writing that he would not attempt to obtain the seat. The differences between Dr. Khare and the Congress and Gandhi are well known to the public. The author finds it difficult to give credence to the details of Dr. Khare’s alleged interview with Bhulabhai. The account is not just highly improbable; it sounds almost fantastic.

We may continue our narration of these unfortunate events which did not do credit either to the Working Committee or to Gandhi, by quoting what one of the elders of the Congress – Babu Rajendra Prasad – who correctly appraised the situation, has to say about it.*

Among the names which the Congress had given to Lord Wavell for the formation of the Central Government, Bhulabhai Desai had not been included. He had been Leader of the Congress Party in the Central Assembly before the Congress boycotted it and had earned a great reputation for himself in that capacity. He had been an active Congressman since the days he joined the party during the Bardoli Satyagraha in 1928, even helping the party financially, and had never hesitated to court imprisonment. His ability and sacrifice had been recognised by his appointment to the Working Committee. His exclusion now from the

**Autobiography*, Rajendra Prasad, pp. 568-569

list of Congress nominees hurt him deeply. He was not enamoured of office; but he thought he was not considered fit to be included. Although the names of Congress nominees were never published, the fact of his exclusion came to be known and was considered unfortunate, more so, by members of the Central Assembly.

It is neither proper nor necessary for me to give the reason for Bhulabhai's exclusion, but, personally speaking, I was not myself satisfied with the list, though there seemed to be no other alternative..... I cannot but regret that, despite his great services to the Congress and the country, he should have been excluded from the list of ministers submitted to Lord Wavell.

This restrained, clear verdict of so respected a leader of the Congress will undoubtedly be the verdict of history on this unfortunate and dark episode.

Finally we have a letter from Gandhi to Bhulabhai from Poona dated the 21st October, 1945, which gives us a glimpse of Gandhi's part in what had happened and will have to be set out in full. It is written in Gujarati at Gandhi's dictation by someone and is signed by him with the word "Bapu's blessings". What is reproduced is an English translation of it:

Poona

21st October, 1945

Bhai Bhulabhai,

Since, I am aware that it is difficult to read my handwriting I am dictating this letter to someone with better handwriting.

Both Sardar and I keep on receiving telegrams regarding giving you a seat in the election of the Legislative Assembly.

I myself take no interest in the elections. I am not even aware of the *darbar* that surrounds Sardar. Speaking generally, he does not talk about it, nor does make any enquiry. I go my way, he goes his way. This time we are together for only one reason which is his medical treatment by nature cure and I have immense faith in it. There is considerable danger in surgical operation. All doctors, except Dr. Deshmukh, do not advise an operation. Thus he is being treated by nature cure because of my faith in it and I have brought him to Dr. Mehta's Clinic since I have confidence in Dr. Mehta. My knowledge of nature cure is superficial. I have given this preface deliberately.

If anything comes to Sardar relating to you he puts it before me. Since you have accepted my advice I believe that you yourself have no ambition of remaining in the Legislative Assembly. Therefore the senders of telegrams cannot even be inspired by you. Some big people will naturally want your presence in the Legislative Assembly. If I were not behind this decision even Sardar would submit to the pressure. I myself am firm. Because I am merely acting as your well-wisher. I want to take from you important work, if you can do it for me. I want to see you as a people's representative. I do not regard you as an old man. Why cannot you also aspire to live till the age of 125! Even if you do not, like me so desire, I would like to make others desirous of living so long, for the sake of the service of the people. It is not as if there is no strength or effort behind my wish. If there is no such firmness and the desire fails, that I can understand. Therefore, if death comes today I am not afraid. But until the last breath I shall cherish my desire. Because I want to serve the people and the service is not yet fully done. I have desire for

completing the service and I wish that such desire may remain with all of us.

With this introduction I am advising you that you yourself should make a dignified statement. In this statement you should thank those who are making this attempt for your benefit but you should announce that at this moment you do not intend to remain in the Legislative Assembly and that you will be doing whatever service you can render outside the Assembly and will for the present continue to do service from outside. Further if you live long and you feel that you should enter the Legislative Assembly you yourself will come out to seek the suffrage of the people.

I am glad at the defence you are putting up for the prisoners at this moment. That is your field and you will even derive fame from it. I also wish that you come in close contact with the mass of the people – just as Jawaharlal and Sardar come in contact with them. To a much lesser degree Maulana comes in such contact. The best comparison perhaps I can give is of Rajendra Babu. Bihar runs after Rajendra Babu. I can give other such examples but surely you do not need them. Even this I consider too long but surely it is unnecessary to labour the point in your case. But I could not resist the temptation then there is no need to disguise it because it is only spiritual.

I trust you are well. I trust you are successful, in your undertaking.

Bapu's blessings.

This letter would show that Gandhi had played a decisive part in excluding Bhulabhai's name from the list of those who would represent the Congress in the Assembly. It

seems also to show that he had persuaded Bhulabhai to accept this position and dissuaded him from standing for the Assembly on his own. The letter breathes diplomacy and sweet persuasion and pictures a rosy public life for Bhulabhai outside the Assembly as a worker for the people having mass contacts with them. The saint-politician exhibits himself in this letter as possessed of all the arts of politics and of sweet reasonableness. If one may hazard a guess probably Gandhi knew about Bhulabhai's views in regard to non-violence, non-cooperation, civil disobedience and the charkha. He was probably apprehensive of Bhulabhai with the leading position he held in the Assembly and the confidence he had earned from the Viceroy and the Muslim leaders of obtaining a leading position in the Ministry to be formed and in the Legislature. However that may be, it is amply clear that the action of the Working Committee in excluding Bhulabhai from the legislature had Gandhi's complete support. Indeed the letter seems to have been a skilful attempt at persuading Bhulabhai to make a public statement that he did not desire to enter the Assembly so that the pressure of public opinion which was being brought to bear upon the Sardar and Gandhi to make him a Congress candidate may cease.

It is true that what had happened was a terrible disappointment to Bhulabhai. It is also true that his indifferent health was further greatly affected by the mental shock which he received by this action, a parallel to which it would be difficult to find in the annals of political or parliamentary parties in Britain or elsewhere. It, however, showed the grim determination and the resolute will of the man that he should rise above those who dealt him this cruel blow. While still under the shadow of public censure

administered to him by the Working Committee, his loyalty to the organisation, to which he had devoted his great intellect and erudition, made him undertake, even while he was ailing, a great responsibility on behalf of the organisation. Says Babu Rajendra Prasad: "Despite this, when the Government started a treason trial of Major General Shah Nawaz Khan and his companions of the Indian National Army and we asked Bhulabhai to defend them, he gladly agreed, indifferent as his health was. The trial brought out his extraordinary forensic talents, and his defence arguments will always rank with the very best anywhere in the world. In a way, it was this difficult task which ultimately killed him. He fell seriously ill after the completion of the case and never recovered." The public always remained keenly alive to the injustice done to Bhulabhai. Notwithstanding the manner in which the Working Committee and Gandhi had dealt with him, he still retained his great popularity. His memorable performance at the I.N.A. trial, to which we shall soon turn, made him a popular hero a few months before his death.

INA: Red Fort Trial

IN the attainment of Indian freedom, diverse forces operated at different periods. The heroic task which Subhas Bose undertook in forming the Indian National Army and leading it in an attempt to win freedom for India, was, undoubtedly, a powerful factor in helping to relax the British hold on India.

The educated Indian, inspired by British ideas of self-government and liberty and assisted by a few liberal-minded Britishers, formed the vanguard of the national movement for freedom. The Indian National Congress founded in 1885, carried on its pioneer struggle in a somewhat ineffective manner till the group then called the extremists seized power in the Congress. The Moderates – later called the Liberals – then fell back, formed a separate party and gradually ceased to be a force in the country. They did, however, act occasionally as counsellors and auxiliaries of the Congress, particularly in times of difficulties and deadlocks. Apart from constitutional action, there had been, ever since the commencement of the twentieth century, the revolutionary movement, which brought to the altar of the country's service self-sacrifice and martyrdom from young men from Bengal, the Punjab, the United Provinces and Maharashtra. Then arose the Gandhian movement of non-violence and civil disobedience. Thus, for some years, men actuated by two altogether divergent and conflicting ideals worked for the liberation of the country. There was the young revolutionary who believed in force and violence, and the mild satyagrahi who believed in suffering and non-violence.

Subhas Bose seemed to be a bridge, as it were, between the violent revolutionary and the non-violent satyagrahi. It would appear that the great leadership of Gandhi succeeded in directing the ardour of some of the revolutionary groups into non-violent action and the civil disobedience movement. However, a stage came when both revolutionary activity and the non-violence of the satyagrahi almost died down, the foreigner refusing to accept India's demand for independence. The Second World War then, by its reaching effects, brought independence to the country.

Subhas Bose's great part in leading thousands of Indian soldiers – erstwhile Japanese prisoners-of-war – on a march under the cry of 'Delhi Chalo' was played at a very opportune moment. That march and its achievements had a two-fold effect. It gravely undermined the loyalty of the Indian soldier, on which mainly rested the basis of the British power in India. With the loyalty of the Indian soldier shaken, or in serious doubt, the position of British rule in India became precarious. Not only was the loyalty of the land forces affected, that the naval and air forces were also not to be trusted appeared from events in February 1946, events which began with the Naval Mutiny in Bombay. The deeds of the Indian National Army, known to every household in India by its initials I.N.A. also sent a wave of intense patriotic feeling throughout the country such as had never before been experienced. Perhaps, the final and decisive cause of the virtual withdrawal of the British, from a country which they had exploited for over one hundred and fifty years, was the weakening of British power as a result of the Second World War. It is true that British emerged victorious. But it found that the victory it had achieved was at the cost of its status as a world power. The United States and the

Russia had become the dominant actors on the stage of power politics.

The saga of Subhas Bose and the Indian National Army sounds almost like a romance. How Bose mysteriously left India in January 1941 and reached Germany via Kabul and Moscow, how he attempted to further the cause of India in Germany, how eventually, when Japan entered the war and Singapore fell in February 1942, he made a perilous journey to South-East Asia by submarine and joined the Japanese forces, are historical facts, recorded among others by Major-General Shah Nawaz Khan.*

We are, however, interested in but a small part of this story which began in South-East Asia in 1943. It is necessary for us briefly to review the events, so that we may appreciate how and why the three accused were brought before the Court Martial in the Red Fort at Delhi in November 1945. These events formed the basis of the memorable argument of Bhulabhai, which, to borrow the words of the Lord Chief Justice of England in a celebrated case, “was an argument well delivered in accordance with the highest traditions of the bar and in furtherance of justice”.

After the fall of Singapore on the 15th February, 1942. Colonel Hunt, on behalf of the British Government, handed over 40,000 Indian prisoners-of-war to Colonel Fujiwara, the representative of the Japanese Government. Before that date, the Indians overseas had already founded an Indian Independence League and a conference had been held in Bangkok in June 1942, where over 100 overseas Indians were present as delegates from various countries. The idea of forming an Indian National Army was adopted by this Conference, which passed various resolutions, including one inviting Subhas Bose who was

**INA and its Netaji*, Delhi, 1946

then in Germany to East Asia. Captain Mohan Singh, an Indian officer, was induced by Fujiwara to work for the independence of India by forming an Indian National Army which would, in collaboration with the Japanese, work for the liberation of India. This idea was put to the large number of Indian prisoners-of-war handed over to the Japanese by the British, and a substantial number of them fell in with the idea and joined the Indian National Army under Mohan Singh.

Differences, however, arose between Mohan Singh and those who had promoted the Indian Independence League, and the organisation of the Indian National Army did not take effective shape till Subhas Bose arrived in the East in June 1943. After his arrival, he had discussions with the Japanese Premier, Tojo, as a result of which the Premier made a declaration in the Japanese Diet in these words: "Japan is firmly resolved to extend all means in order to help to expel and eliminate from India the Anglo-Saxon influences, which are the enemy of the Indian people, and enable India to achieve full independence in the true sense of the term." Bose then went to Singapore and took over the presidency of the Indian Independence League in the presence of 5,000 Indians who represented over 20 lakhs Indian national spread all over East Asia. Bose there revealed his plan of forming a provisional government to free India and to lead an Indian National Army towards India. The army was named the Azad Hind Fauj and the battle cry was 'Chalo Delhi'.

The Provisional Government was inaugurated at a public meeting held in Singapore on the 21st October, 1943, amidst scenes of great enthusiasm. A proclamation was made, which indicated, among other things, the tasks of this Provisional Government to launch and to conduct the

struggle that will bring about the expulsion of the British and all their allies from the soil of India. It will then be the task of the Provisional Government to bring about the establishment of a permanent National Government of Azad Hind, constituted in accordance with the will of the Indian people and enjoying their confidence. After the British and their allies are overthrown and until a permanent National Government of Azad Hind is set up on Indian soil, the Provisional Government will administer the affairs of the country in trust for the Indian people.” The proclamation ended with an appeal to the Indian people: “In the name of God....we call upon the Indian people to rally round our banner and to strike for India’s freedom. We call upon them to launch the final struggle against the British and all their allies in India and to prosecute that struggle with valour and perseverance and with full faith in final victory and until the enemy is expelled from Indian soil and the Indian people are once again a free nation.”

On the 23rd October, the Provisional Government decided, at a meeting of its Cabinet, to declare war on Britain and the United States of America. The declaration was broadcast over the radio by Subhas Bose and was heard all over the world through the San Francisco radio. Within a few days, the Provisional Government of Azad Hind was accorded recognition by Japan, Germany, Italy, Croatia, Burma, Thailand, the Nationalist China, the Philippines and Manchuria. The Provisional Government had a representative duly accredited to Japan at Tokyo. At a conference held at Tokyo in the first week of November 1943, the Japanese Premier announced that Japan had decided to hand over the Andaman and Nicobar Islands to the Provisional Government of Azad Hind. Those were the first territories acquired by the Provisional Government of Free India.

Funds were also acquired by the Provisional Government from various sources such as levies and donations, the total of which was said to amount to as much as twenty crores of rupees. Arrangements were thereafter made for the Indian National Army being divided into different brigades, which were named the Subhas, Gandhi and Azad Brigades.

A controversy seems to have arisen between Bose and the Japanese military authorities in regard to the status of the I.N.A. It would seem that the Japanese were initially unwilling to accept the I.N.A. as a separate unit apart from the Japanese army, who, in equal collaboration with the Japanese, were to work for the liberation of India. It was pointed out by them that the I.N.A. soldiers accustomed to the luxuries of the British army would not be able to face the rigours which the Japanese soldiers would be able to face, going through the Burmese and the north-eastern Indian jungles. It was therefore suggested that the task of liberating India should be left exclusively to the Japanese army and that the I.N.A. should be left at Singapore to assist the Japanese by propaganda and other similar activities in the task of the liberation of India. Bose's reply to the Japanese authorities, characteristically of him, was both firm and dignified: "Any liberation of India secured through Japanese sacrifices is worse than slavery." He insisted that, in the liberation of India, Indian blood and Indian sacrifices must make the largest contribution and that the I.N.A. should be allowed to lead the coming offensive against the Indian border. Eventually, it was agreed that one regiment of the I.N.A. should be first employed, and that, if that regiment came up to the requisite standard, the rest of the I.N.A. should be sent into action. The I.N.A. troops were, no doubt, to remain attached to the various units of the Japanese army.

The main body of the Subhas Brigade commanded by Shah Nawaz Khan arrived in Rangoon early in January 1944, after a strenuous march of “at least 400 miles on foot, marching on an average 25 miles a day with almost 80 lbs. of load carried on their back. In their eagerness to reach the front as soon as possible, they generally covered in two days the distance which the Japanese soldiers took five days to travel.”

Bose having arrived in Rangoon in January, it appears to have been agreed that the I.N.A. formation should be split into a smaller unit than a battalion, that the command of all I.N.A. units should remain entirely in the hands of the Indian officers, that the I.N.A. forces should be allotted an independent sector of the front, that every inch of Indian territory liberated should be handed over to the I.N.A. for administration, and that, finally, the only flag that would fly over Indian territory would be the Indian tricolor.

The Indian battalion and the Japanese troops then advanced, capturing several places in Burma from the enemy. From Daletme which they captured, the Indian frontier was only forty miles away and they were eager to reach it. “The nearest British post on the Indian side was Mowdok about fifty miles to the east of Cox Bazar. It was captured in a surprise attack during night (May 1944), and the enemy fled in panic, leaving large quantities of arms, ammunitions and rations. ‘The entry of the I.N.A. on Indian territory was a most touching scene. Soldiers laid themselves flat on the ground and passionately kissed the sacred soil of their motherland which they had set out to liberate. A regular flag-hoisting ceremony was held amidst great rejoicing and singing of the Azad Hind Fauj’s National

Anthem.”* On account of the difficulties of supply and the possibility of a counter-attack by the British forces, the Japanese decided to withdraw their forces from Mowdok and advised the I.N.A. commander to do the same. The I.N.A. forces, however, refused, stating that their goal was the Red Fort, Delhi, where they were ordered to reach without turning back. Eventually, it was decided to leave one Company of the I.N.A. under the command of Captain Suraj Mal at Mowdok to guard the flag and to withdraw the remainder. The Japanese also left a platoon of their own alongside the Indian Company. These Japanese troops were to be under the direct command of Captain Suraj Mal. “It was probably the first time in the history of the Japanese army that their troops had been placed under command of a foreign officer. Evidently, moved by the heroic sacrifice and the brilliant record of the I.N.A. men, the Japanese Commander-in-Chief in Burma went to Netaji, and, bowing before him, said: ‘Your Excellency, we misjudged the soldiers of the I.N.A. We know now that they are no mercenaries, but real patriots’.”**

This small new force under Captain Suraj Mal remained at Mowdok from May to September 1944, repeatedly repulsing attacks by heavy artillery and mortar-fire, sometimes preceded by aerial bombardment.

The remaining battalions of the Brigade left Rangoon in February for another part of the front. Here again, the I.N.A. battalions were deliberately put to test by the Japanese General in charge and they fully satisfied the test. Thereupon, instructions were issued “that the main body of the Brigade would proceed to Kohima and would be prepared, on the fall of Imphal, to advance rapidly and cross the Brahmaputra into

**History of the Freedom Movement in India*, Volume III, pp. 721-22

***Ibid.*, p. 722

the heart of Bengal”. About 150 to 300 men having been left behind, the rest marched towards Kohima, capital of the Naga Hills in Assam where they arrived towards the last week of May 1944. They had been joined by other sections of the I.N.A. troops and the combined I.N.A. forces captured Ukhrul and Kohima. “The Azad Hind Dal were intended to take charge of the conquered territory and do everything necessary till a regular government was established, such as the feeding of the people, restoration of essential public services, the maintenance of law and order, and the reconciliation of the Indian population. As new areas were liberated, the Azad Hind Dal took charge of them in the name of the Provisional Government of Azad Hind and did good work on the above lines. The Tricolour flag was hoisted on the lofty mountain tops around Kohima.”*

however, about the time the I.N.A. troops arrived at Kohima, the tide of fortune had turned against the Japanese. The Japanese had failed to capture Imphal and powerful British forces were attacking in the direction of Dimapore and Kohima. Though the I.N.A. men at Kohima held their post most gallantly and beat back attack after attack, they had ultimately to draw back with the Japanese forces to the east bank of the Chindwin river.

The other two brigades of the I.N.A. – the Gandhi and Azad Brigades – also displayed great bravery. In battle after battle with British troops, the I.N.A. forces, though heavily outnumbered and ill-equipped, threw back the British attacks, “But though the I.N.A. warded off the British attack, they had to face a more terrible enemy. Extremely heavy monsoon washed away the Tamu-palel road, and the only supply line for the supply of rations and ammunitions, was cut off. The Commander of the

**Ibid.*, p. 724

I.N.A. Brigade, who 'was at that time occupying approximately 200 square miles of Indian territory' and administering it through the Azad Hind Dal unit sent up by Netaji, refused to withdraw from this liberated area, and explained the whole situation to a conference of the local Naga Chiefs. The Nagas implored the I.N.A. Commander not to retreat and said: 'You are the army of India's liberation. You must not go back. We are extremely short of food ourselves; but we will collect whatever we can for you. We will live or starve to death together'. The Nagas were bitter against the British as well as the Japanese. They said: 'We do not want the British; neither do we want the Japanese in our area. All that we would like to have is our own Raja, Netaji Subhas Chandra Bose.'"^{*} After the retreat of the I.N.A. forces from Kohima, the position of the Gandhi Brigade in Nagaland became untenable and they also had to retreat.

The I.N.A. operations on the Indo-Burmese front have been thus summed up by Shah Nawaz Khan, the Commander of the Subhas Brigade:

Thus ended the main I.N.A. and Japanese offensive which had been started in March 1944. During this period the I.N.A. with much inferior equipments and an extremely poor supply system, was able to advance as much as 150 miles into Indian territory. While the I.N.A. was on the offensive, there was not a single occasion on which our forces were defeated on the battle-field, and there was never an occasion when the enemy, despite their overwhelming superiority in men and material, was able to capture any post held by the I.N.A. On the other hand, there were very few cases where the I.N.A. attacked

^{*}*Ibid.*, p. 727

British posts and failed to capture them. In these operations, the I.N.A. lost nearly 4,000 men in killed alone.*

The British counter-offensive gathered force in the cold season of 1944-45 and the Japanese had to retreat. Rangoon was left in the hands of I.N.A. men after its evacuation by the Japanese. The British occupied it in May 1945, and the I.N.A. men were disarmed and made prisoners. Bose, who still retained hope of renewing the fight, returned from Rangoon to Bangkok – a journey which took him 21 days. From there, he flew to Singapore, and, finally, after the surrender of Japan in mid-August, he flew from Saigon to Tokyo. On that journey, his plane crashed and Subhas Bose perished from the injuries received by him in the crash.

We have so far related the Indian version of the events which led to the rise of the Indian National Army and of its heroism and exploits, basing ourselves on the accounts and observations of writers at least one of whom witnessed and participated in these events.** The British version is, it is not surprising, very different. John Connell, the biographer of Auchinleck, writes:

The deeply distressing and complex problem of the Indian National Army was the product and consequence of the British defeat in South-East Asia in 1942. When Singapore fell in February of that year, some 85,000 men, the remainder of the British forces in Malaya, surrendered to the Japanese. Of these nearly 60,000 were Indians – officers, V.C.o.s, N.C.O.s and other ranks.

**Ibid.*, p. 730

***INA and its Netaji*, Shah Nawaz Khan, Delhi, 1946; *India's Struggle for Freedom*, A.C. Chatterji, Calcutta, 1947; *The Springing Tiger*, Hugh Toye, London, 1959; and *History of the Freedom Movement in India*, R.C. Majumdar, Calcutta, 1963

Any assessment of their actions, and of the effects which they had during the war and after wards, must take into consideration the fact that 35,000 prisoners of war in Japanese hands stood by the oath they had taken and the salt they had eaten. They took unflinchingly the road of hardship, private, humiliation, torture and death rather than betray the standards of their own honour and loyalty. Those of them who died – and there were many – lie in graves all over the area of Japanese conquest alongside their British, Australian, Dutch and American comrades. The memory of their courage and endurance shines brightly on a somber scene.

But to understand how and why they stood firm is to begin to comprehend how and why the minority, those who joined the I.N.A. did not. The loyalty of the Indian soldier was of an intensely personal character; its focus was his officer, his company commander; the widest extent of its perimeter was his regiment. His outlook can best be likened to that of a legionary in the Roman Empire, not in the period of its expansion but in the long centuries of its consolidation and decline – legionary recruited in an area on the Empire's outer edge. Britain, Western Gaul, North Africa or Syria, to whom Rome was a remote and hazy concept, whose loyalty therefore was bounded by the horizon of the legion. Such, in large measure, were the yeomen volunteer soldiers of the Indian Army.*

After relating the story of the withdrawal of Mohan Singh from the I.N.A. and the arrival of Subhash Bose in South-East Asia and his taking charge of the I.N.A. John Connell proceeds:

**Auhinleck*, John Connell, Cassell, London, 1959 p. 794

In December 1942, when Mohan Singh gave up his command, 4,000 of these 16,000 withdrew with him.

When Subhas Chandra Bose, sent on from Tokyo, arrived in Singapore towards the end of 1943, the I.N.A. consisted of some 12,000 disgruntled and perplexed men. His prestige, his fiery oratory, his promises and his money recruited from among the ranks of the Indian P.O.W.s some 10,000 fresh volunteers, and from the Indian civilian community in Malaya and Singapore about 20,000.

One division, in strength between 14,000 and 15,000, fought on the Japanese side in the Burma campaigns of 1944 and 1945. The role which the Japanese enforces on them was in part propaganda (which was not at all successful), and in part that of a guerilla or skirmishing formation (which they fulfilled half-heartedly). They had no aircraft, no artillery, no heavy mortars, no tanks or armoured cars: they were light infantry, issued with captured British rifles and equipment of 1941 pattern.

In every recorded clash between British and Indian forces and the I.N.A. in Burma, the I.N.A. were worsted. Their leadership was far from inspiring: three officers in all were killed in battle, one was killed by a Japanese sentry and one died in an air crash. By the time of the final Japanese defeat in Burma, 750 of the I.N.A. had been killed in action. 1,500 had died of disease or starvation, 2,000 had escaped to Siam, and 3,000 had surrendered or deserted. Nine thousand were captured.*

**Ibid.*, p. 796

The two versions are impossible to reconcile. Neither of them, is, so far as the author knows, documented. Making allowances for certain overstatements which have to be expected in the circumstances, the accounts from the sources first referred to, which include persons who participated in these operations, are clearly more authoritative and deserve to be accepted. It must, in this connection, be remembered that many of the salient events of the earlier accounts have been borne out in the evidence given at the Red Fort trial, which will be referred to hereafter. What happened to the remnants of the I.N.A. is thus stated:

During the war the Indian public knew little or nothing of the I.N.A.... As they began to surrender or were captured in battle from May 1944 onwards, they were brought back to India, segregated, sent to rehabilitation centres, and graded in categories according to the gravity of such offences as were known against them. The existence of the I.N.A. was treated as a military matter, a problem of morale and discipline within the established framework of the Indian Army. Before the end of the war some thirty V.C.O.s, N.C.O.s and senior sepoy, who had been captured in battle or while trying to enter India by submarine or parachute, were tried by court-martial: of these, only nine, all of whom had undertaken espionage or sabotage missions, were executed.*

However, the day after the death of Bose on the 18th August, 1945, the Government of India issued a communique, announcing the news of Bose's death and also a few of the facts about the I.N.A. The Government seemed to have been completely unprepared for the violent reactions in the

**Ibid.*, p. 797

public mind which gradually developed as the news of the activities of the I.N.A. spread all over the country. The first reactions, however, were not so sharp as the later ones which followed the decision of the Government to try three I.N.A. officers at a court-martial.

Asked about his views about the I.N.A. Jawaharlal Nehru stated on the 19th August as follows:

I was of the opinion and am still of the opinion that the leaders and others of this Army had been misguided in many ways and had failed to appreciate the larger consequences of their unfortunate association with the Japanese. Three years ago I was asked in Calcutta what I would do if Subhas Bose led an army into India on the plea of liberating India. I replied that I would not hesitate to resist this invasion even though I did not doubt that Subhas Bose and his Indian colleagues were motivated by the desire to free India and were in no way tools of the Japanese. Nevertheless, they had put themselves on the wrong side and were functioning under Japanese auspices. Therefore, whatever the motive behind these people, they had to be resisted in India or outside.*

The next day seemed, however, to indicate a change in Nehru's mind. Speaking on the subject again, he said:

Now a very large number of officers and soldiers of the I.N.A. . . are prisoners and some at least have been executed. . . At any time it would have been wrong to treat them too harshly, but at this time – when it is said big changes are impending in India – it would be a very grave mistake leading to far-reaching consequences if they were treated just as ordinary

**Ibid.*, p. 798-799

rebels. The punishment given to them would in effect be a punishment of all India and all Indians and a deep wound would be created in millions of hearts.*

These and other statements should have been enough warning to the Government against the inadvisability and even the danger of starting court-martial proceedings against the three officers. But, in a sense, the Government would appear to have been faced with a dilemma. The army authorities were, it appears, not unaware that, after the reoccupation of Burma by the British troops, there was widespread fraternisation between them and the I.N.A., with the result that the Indian servicemen had imbibed a political consciousness which they had never before possessed. Would not the loyalty of the Indian soldier be wholly undermined if those who had led the I.N.A. movement or played an important part in it were allowed to go unpunished? Eventually, the Government announced that the rank and file would not be punished, but that only those of the leaders charged with atrocities would be punished.

At the A.I.C.C. Session in September, even before the details of the intended proceedings were announced, Jawaharlal Nehru moved a resolution on the Indian National Army. It referred to the circumstances, both political and military, at the time and pointed out that it would be “a tragedy if these officers, men and women, were punished for the offence of having laboured, however mistakenly, for the freedom of India. The A.I.C.C., therefore, earnestly trusts that they will be released.” He announced that a Defence Committee had been formed by the Congress, consisting of Tej Bahadur

*Ibid

Sapru and Bhulabhai Desai, and invited other parties to join it. Later, Nehru himself, Asaf Ali, Katju and others were added to the Defence Committee.

In October came the announcement that, initially, three officers of the I.N.A. would be put on trial and that the Court Martial would be held in the following month in public in the Red Fort in Delhi. It is said that “the choice of the Red Fort was made partly on practical grounds and partly on symbolical”. The choice of the Red Fort, the historical fort of the Mughals used for ceremonial purposes, was obviously for the purpose of impressing on the loyal Indian army the gravity of the offences committed by those who were to be tried. Little did the Government anticipate the violent upsurge of Indian feeling which made the Red Fort a symbol to them of the right of the Indian to rebel against the foreigner and free his country. The three officers to be proceeded against were Captain Shah Nawaz Khan, the former winner of the Sword of Honour at the Indian Military Academy who had held the rank of Major-General in the I.N.A. and commanded a division in Burma in 1945, Captain Sahgal and Lieutenant G.S. Dhillon who were battalion commanders in Shah Nawaz Khan’s Division. The Government had taken care to select a Muslim, a Hindu and a Sikh.

It appears that the Defence Committee approached the Viceroy for the abandonment, or, at any rate, the postponement of the trial. The Viceroy’s answer was a refusal to do either. Auchinleck’s advice to the Viceroy was that “the administration of justice cannot properly be held up in the manner proposed by the Committee”. The decision to hold this trial was, as was realised by Government themselves later, a great blunder. In the words of a biographer of Nehru, the I.N.A. became at

once “a dramatic symbol of national unity”.* Not only did the Congress express sympathy with them and organise their defence; the Muslim League also took the same attitude. A great wave of patriotic feeling and sympathy swept the whole country. Demonstrations were held in different parts of India. In Calcutta, there was violence during some of these demonstrations; in Delhi, people tried to set fire to Government buildings and destroy public property. Such was the atmosphere in which the trial of these three officers was staged in the Red Fort.

Though there were seventeen advocates in the court room, including Nehru “wearing a barrister’s gown which he had not donned for thirty years”, the leading counsel for the defence was Bhulabhai, “whose brilliant searching advocacy and cross-examination rang a bell throughout India.** Bhulabhai was mainly assisted by Katju.

Bhulabhai’s health, which was already poor, had suffered a setback by reason of the events which followed the Desai-Liaquat Pact and the attitude of the Working Committee against him in respect of it. A statement of his doctor and friend who called him, like a member of his family, ‘Bhai’, gives us a picture of his physical condition when he undertook the onerous responsibility of leading the defence in this memorable trial: “I first noticed that the rigours of a prison life and his ceaseless political activity were making serious inroads into his health. He would not listen to medical advice. The famous Liaquat-Desai Pact entailed a great strain on him. It later proved to be his undoing. By now, he was really a sick man. The climax was reached when, with swelling on both his feet and pouches underneath the eyes, he attained the highest water mark of his legal career in the never-to-be

**Jawaharlal Nehru*, Frank Moraes, New York, 1956, p. 311

***Ibid.*, p.312

forgotten I.N.A. Trial in 1945.”* Nothing daunted and always ready to serve his country, he responded again to the call of the Congress, though it had treated him so unkindly. He worked hard and continuously for the cause of the I.N.A. prisoners for a period of about three months in Delhi. The doctors had to be in constant attendance on him during the trial, and he had to be carried up in a chair to the court room in the Red Fort.

The vastness of the task which he had undertaken will appear from the fact that the trial started on the 5th November, 1945, and ended on the 31st December, 1945. The record published spread over 387 closely printed pages, thirty witnesses having been examined for the prosecution, twelve for the defence and numerous documents having been exhibited.

Bhulabhai's speech for the defence which has been published with an introduction by Katju** spread over several days. So great were his intellectual powers and so powerful his memory, notwithstanding his age and health, that the whole of his speech for the defence was delivered *ex tempore* said without the assistance of any notes. This performance was the more remarkable in that he had to address not a court of law, but a court-martial consisting of military officers. The strain on him was immensely greater, because the defence which was based mainly on doctrines of International law supported by authorities and statements of eminent lawyers and politicians, had to be delivered in a language and manner which would make it intelligible and have an appeal to the military tribunal whom he was addressing. No doubt, lucidity of expression was one of his great qualities.

*Statement by Dr. R.N. Cooper, dated the 5th August, 1965

***I.N.A. Defence*, Bhulabhai J. Desai, I.N.A. Defence Committee, 82, Daryaganj (Delhi Printing Works), Delhi, 1945

But, at this trial, that lucidity had, as it were, to be such as to make his legal ideas crystal clear so that they might grip the lay minds of the tribunal. So simple and direct was his manner of expression that any lay person can today read his address without feeling any difficulty in understanding it.

The three accused were charged with the offence of waging war against the King by various acts committed by them together in various places during the I.N.A. campaign outside India. They were also charged with the offences of murder of certain persons whom they had shot or punished in the course of their duties as officers of the I.N.A. There were also charges of the abetment of murder.

In a sense, the trial took a surprising turn. It transpired that the very evidence with the prosecution relied on for the purpose of proving that the three officers had committed the offence of waging war against the King, was the evidence on which the counsel for the accused relied to establish that, according to accepted principles of International law, the accused were entitled to take up arms for the liberation of their country as an organised army under the aegis of a Provisional Government and that the acts done by them in their capacity as members of such an organised force could not be offences under the municipal law of India. The accused were, it was urged, immune under International Law from the offences charged against them under the Indian Penal Code. One is struck by the extensive use made by the counsel for the defence of a large volume of prosecution evidence. Those who had prepared the evidence for the prosecution and put it before the Court could hardly have anticipated that the very evidence which they had so laboriously put before the tribunal would so liberally be made use of on behalf of the accused.

The cross-examination was largely conducted by Bhulabhai, and it is interesting to have glimpse of his manner of doing it, worthy not only of his forensic skill, but also true to the noblest traditions of the profession. Fortunately, we have some incidents related by a person who was present at the trial.

Captain Dhargalkar was intended to be a witness for the prosecution. A member of the Defence Committee had information that the witness would be highly sensitive to any question which made a mention of his father, with whom he was not on happy terms. This information was conveyed to Bhulabhai, so that he might make use of it when cross-examining the witness. His answer to the informant was: "That is not fair; I will never utilise a foul trick." The next day, when the witness was being cross-examined by Bhulabhai, he treated him with the utmost civility, putting him question after question in a suave manner. Gradually, the story which the witness had related became confused and inconsistent. In the result, when further questioned, the witness was forced into the usual refuge of a confused witness. His answer was: "I do not remember." Question after question by counsel met with the same answer. After a few answers of this nature, Bhulabhai turned to the Court and asked them whether they would like him to go on with the cross-examination of this witness who seemed to have forgotten all that he had said a few days before in examination-in-chief. Thus, without putting to the witness any unpleasant questions which might have taken the witness off the track, he rendered the evidence of the witness useless to the prosecution.

Another incident shows Bhulabhai's remarkable memory even for details. When he was cross-examining

a Subedar of the Indian Army who had deposed for the prosecution, he began his question by telling him that he had, answering the Advocate-General's question in examination-in-chief, made a particular statement. Bhulabhai repeated to the witness from memory a sentence or two from the evidence, which according to Bhulabhai, had given by him. The Advocate-General disputed the correctness of the statement put to the witness and urged that words were being put in his mouth which, to the best of his memory, were not correct. The President of the Court thereupon turned to Bhulabhai, stating that what he was doing was not fair. Not perturbed either by what the Advocate-General or the President had said, and notwithstanding Katju, who was assisting him, telling him that his statement was inaccurate, Bhulabhai turned to the Court and said: "There is something like a record kept in this Court. I suggest we look at the record." Then commenced a search for the evidence of the witness in the voluminous record before the Court. However, even before the particular part of the record could be traced, Bhulabhai came out with further details of the question which the Advocate-General had put to the witness in examination-in-chief. In a moment, the relevant part of the record was produced. It bore out Bhulabhai's statement, though the recollection of the Advocate-General and his own junior was against him. Promptly followed the apology of the Advocate-General to Bhulabhai.

Yet another incident which happened during the final phases of the trial when the health of Bhulabhai had further deteriorated, bears testimony to his great sense of duty. One evening, during their usual visit the doctors, who observed his swollen legs, told Bhulabhai that persistence in addressing the Court and exerting himself in that manner would jeopardise his life. They said his

heart was very strained and that he must take rest. He tried to make light of what the doctors had told him; but the doctors were very firm and insisted on his listening to their advice. Ultimately, Bhulabhai agreed. Katju was immediately communicated with. A hasty conference was held that evening with Katju, and the lines of cross-examination of the prosecution witness were discussed and decided upon. With the permission of the doctors, Bhulabhai arranged that he would go to the court building, but sit in the lawyer's chambers and not attend to the case himself, so that he might be available in case his advice was needed. It happened that another counsel, a member of the Defence Committee, whose name need not be mentioned, happened to be in the Court the next morning. Though he had not been in touch with the case or participated in the conference the previous evening, he took charge of the case, ignoring Katju's presence. As was to be expected, there soon arose a difficult situation between the counsel and the Court as to the hypothesis on which he based his questions and various other matters. Hearing of the crisis in the Court, Bhulabhai insisted on moving from the lawyer's chambers to the court room and took over the further defence himself. He straightway raised certain legal points which the Court required time to consider. This necessitated a short adjournment. Bhulabhai was then carried in his chair to the lawyer's chambers, and in the presence of the other lawyers constituting the Defence Committee, he requested the lawyer who had created difficulties to leave the case to people who knew what they were doing. He told him that he had decided that he would carry on the defence case when the Court reassembled after the short adjournment. "If death comes to me, let it come; but I cannot allow the jeopardising of the lives of our precious patriots." That

was the way he carried on to the end of the trial, paying at its end the heavy price of his own life.

Even during his heavy work before the Court Martial, he found time for outside social engagements and to be friendly with the opponents. Here is the testimony of a Britisher, a Professor of Law,* who was then at New Delhi as a member of the British military forces and who attended the Red Fort trial:

Bhulabhai was a man as well as a great lawyer, as was brought home clearly by his conduct during the I.N.A. Trial in *Lal Kila* and by his attitude towards his opponents among the military prosecutors.

In the midst of the trial, while newspaper passions ran very high, Bhulabhai found time to dine with the senior military prosecutor in the G.H.Q Officers' Mess, whose cooks went out of their way to meet the vegetarian needs of Desai. After the dinner, a social evening, as was to be expected, among friends, followed. Perhaps, the most outstanding thing I remember about Desai was his superb performance in presenting his closing address at the trial. Bhulabhai was an aged and sick man at the time. However, he carried the major burden of the defence, and, at the end, although carried into Court in a chair, he delivered himself of an oration which may rank with the greatest of addresses in the history of English advocacy. Without a note and without repeating himself, he conducted himself in the most dignified manner imaginable and those who were privileged to hear him will never forget the experience.

The outstanding thing about Desai was the scrupulous way in which he kept personal and professional activities

*Professor L.C. Green, formerly of London University and Singapore University and now Professor in a Canadian University.

several apart. However strenuous the conflict which raged between the prosecution and defence. Desai left the Advocate in the court room. During recesses and adjournments, he was a great gentleman and advocate who reveled in the company and conversation of his colleagues, whether they were with him or opposed to him.

The biographer of Auchinleck relates a conversation between Bhulabhai and a senior Indian Military Officer who met him in the Chelmsford Club in New Delhi:

This distinguished lawyer talked as freely out of the court-room as in it. A senior Indian Officer, working in G.H.Q., met him in the Chelmsford Club on the evening of November 15, when the trial had been going on for ten days. He sent Auchinleck his notes on the encounter:

During the conversation the main topic was the I.N.A. and the forthcoming trials.

Mr. Bhulabhai Desai did most of the talking during his one hour's stay. Following points were discussed:

He mentioned that the I.N.A. trials have given them the best weapon they ever had for their propaganda and that if any of these are executed, it will only make them the greatest martyrs India has ever had, and he continued that as things are going now it may lead to armed revolution. To this one of the party asked how there can be an armed revolution when there are no arms. He replied there are people who are always willing to supply them.

When I said, how are you going to reconcile those prisoners of war and other Indian soldiers who had suffered and fought not only the Japs but the I.N.A.

His fundamental thesis was “that a nation or part of a nation does reach a stage where it is entitled to wage war for its liberation”; that was well-accepted International Law. If he was right, acts done by persons acting as a part of the nation which was fighting for its liberation would be immune, by reason of International Law, from being offences under the municipal law of the country. He urged that the evidence led by the prosecution itself showed that, in the case before the Court, there was really a Provisional Government of Free India – a separate new Indian State which was fighting for the liberation of hundreds of thousands of Indian nationals. He referred to the first Indian National Army established in the month of September 1942. Then there was a dissolution of that army in December 1942, and the arrest of Captain Mohan Singh who was at the head of it. That was followed by the formation of the second Indian National Army, of which Subhas Chandra Bose took command on his arrival at Singapore. The Greater East Asian Conference which was attended by Indians from different parts of the Far Eastern countries was the next event of importance. One of the resolutions of that Conference was that a Provisional Government of Free India should be established. This was followed, on the 21st October, 1943, by a Proclamation establishing a Provisional Government of Free India. The next step was the constitution of that Government by different ministers with different functions who took oaths of allegiance to the Government, Subhas Bose being the head of the State. That Government, duly constituted, made a declaration of war on Britain and America. On this new State being constituted, the I.N.A. carried out its functions under the orders of the new State.

Drawing attention to the evidence of the establishment of the Provisional Government on the record of the Court, he

pointed out that it was an organised Government, to which the whole of the two million odd people owed allegiance and out of whom 2,30,000 persons actually took the oath of allegiance in Malaya. The evidence established that this Government was recognised by the Axis powers. The army of this new State was properly organised, had its own distinctive badges and emblems and functioned under regularly appointed officers. The main purpose for which the army had been constituted was of great importance. That purpose had been amply proved before the Court to be 'the object of fighting for the liberation of India'. A further fact which indubitably established that the Provisional Government was a new Indian State, was that the Japanese Government had ceded to the Indian State the Islands of Nicobar and Andamans, which are about 50 square miles in area. The evidence showed that the new Indian State also administered for a period of four to six months the Manipur and Bishnupur areas. In fact, it was established that a Commissioner was appointed by the new State in respect of the new territory. That Commissioner took charge of the new territory at a ceremony at which the naval and military authorities then in charge handed over the islands to the Commissioner on behalf of the Indian State at Port Blair. These islands were re-named Shahid and Swaraj.

The territory of Ziawadi was shown by the evidence to be about fifty square miles in area with 13,000 inhabitants, who were Indians. The fact that Manipur and Bishnupur areas totaling about 15,000 square miles were administered, for the period mentioned, by the I.N.A. on behalf of the Provisional Government could not be disputed. The question of the duration of the administration of these territories was not of materiality. What was

important was that there clearly existed a State with considerable and substantial territory inhabited by large masses of Indian nationals.

It had to be remembered further that this State had monetary resources. It had been proved that “some twenty crores of rupees were in fact donated to the State, out of which was maintained the Civil Government and the Army”. That Government had, as was shown by the evidence, a Civil and Army Gazette of its own.

In fact, there was evidence to show that dies were cast and preparations were made for the printing of postal stamps for Imphal which bore the vignette of the old Moghul Fortress of Delhi with the inscription ‘On to Delhi in the name of the Provisional Government of Free India.

There being thus a new Indian State with the normal insignia and functions of a State, it was, in International Law, entitled to make war and it did make war for the purpose of liberating India. War having been declared, any acts done in the prosecution of that war were, according to International Law, outside the pale of municipal law. International Law, accepted that two independent countries or two carried out any action in due prosecution of the war were outside the pale of municipal law. It would be impossible to arraign any individual for carrying out, as a matter of duty, acts which might otherwise be offences – killing a man every day, destroying property every day – for, these acts were the very part of the war itself.

Further, he referred to a well-established proposition of International Law: once you had two States which declared war against each other, there was no question of any justification being required for it. Once a State declares war against any other State, there could be no question of

the propriety, justice or right of the war so declared. The basis of this proposition was that each State was a sovereign State.

He urged that International Law was not static. That law had grown from the time to time with the progress of civilisation. It had now reached the stage of recognising that “if liberty and democracy are to have any meaning all over the world and not merely just for a part of it...any war made for the purpose of liberating oneself from the foreign yoke is completely justified by modern International Law.” He said: “It will be a travesty of justice if we are to be told, as the result of any decision arrived fight for the freedom of England against Germany, for England against Italy, for England against Japan, and yet a stage may not be reached when a free Indian State may not wish to free itself from any country, including England itself. We maintain that this particular war, according to the decisions, requires no justification.”

He further argued that it was well settled that it was unnecessary in order to constitute a war that both parties should be acknowledged as independent nations or sovereign states. “A war may certainly exist between a State and its suzerain as in the Boer War. May I appeal to this Court and all of you who are familiar with British history – What about Charles I and his death? What about the Magna Carta? What about James II? It is all recorded in history. In other words, you do reach a stage where the organisation – call it rebel if you like – call it insurgent – insurgents or rebels – may reach a stage or organisation for the purpose of liberating themselves when what they do after declaring war is subject to the laws of war.” He asserted: “If ever a subject race finds itself in a position where its organisation is able to declare

war, then, acts done by the armies on either side come under this. I put a very simple question: What about the acts of those who fought on the side of the British in this War? They killed lots of people. Would they be put up before this Court under section 302? Most amazing!”

He referred to the American Civil War, between the eleven States of the South, which asserted their right to leave the Union, and the States and Territories of the North, which were determined to maintain the Union, and said: “As the books point out, we had the instance of the war between the South and the North of America and you have a declaration from Abraham Lincoln down-wards that it was a proper war and there was nothing more to be said about it as soon as hostilities ceased.”

He quoted the tests laid down by International Law: “Among the tests are the existence of a *de facto* political organisation of the insurgents sufficient in character, population and resources to constitute it, if left to itself, a State among nations capable of discharging the duties of a State; the actual employment of military forces on each side acting in accordance with the rules and customs of war.... If all these elements exist, the condition of things is, undoubtedly, war; and it maybe war before they are all ripened into activity.” He argued that the evidence conclusively proved the existence of a *de facto* political organisation of insurgents. He did not deny that they were insurgents. Nevertheless, the conditions which ensued amounted to a state of war in International Law.

He concluded this part of his argument in these words: “If you find that there is a *de facto* political organisation sufficient in numbers, sufficient in character and sufficient in resources to constitute itself capable of declaring and

making war with an organised army, your verdict must be in favour of these men – no more and no less than the verdict on your own men for killing others, of which act you are justly proud.”

He next dealt with the question whether, in order that the Provisional Government should have the status which could entitle it to declare war, it should have been recognised as such by Britain. His answer was: “In fact, the very hypothesis cannot exist. The hypothesis is this: The rebels as I have called them – I do not mind it – are fighting for their freedom against another country. If they succeed, the Government will be recognised; but in the meantime, during the course of fighting, the Government is not recognised, but what is recognised is belligerency. I shall presently point out what it involves – immunity from all acts done in the prosecution of the war.”

Having quoted authorities explaining the basis of belligerent rights, he quoted from a speech of Churchill in Parliament in reference to the rights of rebels in the Spanish Civil War of 1937: “When I hear my Right Hon’ble friend opposite speak of rebels, I must remind him that, sitting there as he does is the seat of the Whigs, he is departing from Whig principles. The sacred right of rebellion was one of their first doctrines... If we search the history of the nineteenth century, we shall find many cases where British Government have actually espoused the cause of rebels. The Hon’ble Member (Mr. Maxton), the leader of the Clydeside Party, with his customary candour and frankness, made no bones about supporting rebels. He declared that the question was whether or not they were rebelling for the thing you wanted. . . . Therefore, do not let us have too much of an attempt to make out that the Government in Spain have all the right on their side and the rebels none.....

It is perfectly obvious that a distinction has been maintained, a distinction which I cannot too often insist upon between a state of belligerency which may be recognised and the rights accorded without the ultimate success of those who fought for the cause for which they could fight. They may fail, but, nonetheless, in the interval, they are entitled to the rights of belligerency.”

He pointed out that, though, in the case before the Court, the Provisional Government was possessed of territory, such possession was quite unnecessary from the point of view of the rights of belligerency. Giving illustrations in support of his proposition, he said: “Take Belgium in the last war and all the emigre Government residing in London during the last but one war and the last war. What were those emigre Government? Not an inch of territory which they could call their own at that time, and yet, who ventured to say before this Court that a member of the Dutch Army, or, for that matter, the Polish or the French or the Yugoslavian Army may not fight to liberate its own country and not have the right to claim, even if they failed, all the rights and immunities, as far as their soldiers are concerned, of belligerency?”

In order to meet a possible argument by the prosecution that the point of view urged by him could have no application, as in the case before the Court, the rebels – the I.N.A. – were persons who had sworn allegiance to the King and that acts contrary to the oath of allegiance could not have the protection which flowed from a state of belligerency, he urged that, in judging the case before the Court, no question of allegiance arose. “All insurgents, while they are fighting, are still held by allegiance, and all the books which I have read will be worth nothing if the question of allegiance had been raised – because, until you successfully thrown it off, the *prima facie* allegiance, if I

may so call it, exists; and nonetheless, while it is not successfully thrown off, while it is in that ambulatory stage, the rights of fighting and the rights of war, if it is a properly declared war and a properly conducted war,” existed in the insurgents. “The rebels want to throw off the foreign yoke, and the result is that, undoubtedly, if the question of allegiance arose or had ever arisen, no grant of immunity to insurgents fighting for liberty against the parent State would ever have arisen; but the fact remains that, notwithstanding the fact of allegiance remaining, the right and freedom to liberate their own country being recognised at the same time, it is given effect to by recognising belligerency.”

But he argued that, on the facts of the case before the Court, after the events which took place at Farrer Park on the 17th February, there was no allegiance left. He drew attention to the fact that the British officers and British other ranks were separated from Indian officers and Indian ranks. The Indian officers and Indian ranks, numbering anything between 30,000 and 45,000 were all asked to assemble at Farrer Park. “Colonel Hunt made a short statement or speech, saying that he was handing them over on behalf of the British Government to the representative by the Japanese Government, Colonel Fujiwara. Colonel Fujiwara then made a speech in Japanese, which, as the evidence now shows, was translated both in English and in Hindustani; and the statement of Colonel Fujiwara amounted to this – using my own language – that those of the Indian prisoners of war who wanted to join an army for the purpose of liberation of their own country were free to do so; and he handed them over to Captain Mohan Singh. Captain Mohan Singh then address them, saying that he was prepared to organise the Indian National Army for the

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may so call it, exists; and nonetheless, while it is not successfully thrown off, while it is in that ambulatory stage, the rights of fighting and the rights of war, if it is a properly declared war and a properly conducted war,” existed in the insurgents. “The rebels want to throw off the foreign yoke, and the result is that, undoubtedly, if the question of allegiance arose or had ever arisen, no grant of immunity to insurgents fighting for liberty against the parent State would ever have arisen; but the fact remains that, notwithstanding the fact of allegiance remaining, the right and freedom to liberate their own country being recognised at the same time, it is given effect to by recognising belligerency.”

But he argued that, on the facts of the case before the Court, after the events which took place at Farrer Park on the 17th February, there was no allegiance left. He drew attention to the fact that the British officers and British other ranks were separated from Indian officers and Indian ranks. The Indian officers and Indian ranks, numbering anything between 30,000 and 45,000 were all asked to assemble at Farrer Park. “Colonel Hunt made a short statement or speech, saying that he was handing them over on behalf of the British Government to the representative by the Japanese Government, Colonel Fujiwara. Colonel Fujiwara then made a speech in Japanese, which, as the evidence now shows, was translated both in English and in Hindustani; and the statement of Colonel Fujiwara amounted to this – using my own language – that those of the Indian prisoners of war who wanted to join an army for the purpose of liberation of their own country were free to do so; and he handed them over to Captain Mohan Singh. Captain Mohan Singh then address them, saying that he was prepared to organise the Indian National Army for the

purpose of fighting for the liberation of India; and we had the evidence – uncontradicted – that he was acclaimed by the whole of the Indian prisoners of war present. I wish even at the risk of repetition to submit that, when an insurgent fights against the then constituted government to free his own people and his own country from the alien, the question of allegiance does not arise.” He referred to the emphatic statement made by the Captain Arshad: “We believed that the only allegiance we owe is allegiance to our country.” No question of allegiance, he urged, could arise when you are nominally fighting against the King, but really fighting to liberate the country.

Did it make any difference to the position submitted by him that the I.N.A. worked under the general direction or in collaboration with the Japanese army? Could it be said that they were fighting on behalf of a puppet government or they allowed themselves to be used as stooges of the Japanese? He urged that “the objective was no more and no less than that of the allies in fighting to free France or Belgium or any other country, and, if, in that process, there was a unified command or a single strategy, you, Sirs, will not say with your knowledge of military affairs that that makes one army the stooge of the other.... If the British and the American armies fought under the command of General Eisenhower, Britain may not be called the stooge of the Americans.”

On the question of the effect of allegiance owed by members of the I.N.A., he said, “They owed allegiance in the familiar sense of the King of England. They owed allegiance to their own country, and they realised that the time had arrived when the question became one of conflict between the allegiance to the King and the allegiance to the country. So that, in

accepted history, we have got a classical instance of a case where the choice between allegiance to the King and the allegiance to the country was presented to the world, and men of honour chose allegiance to their own country to the imposed allegiance to a foreign King. Therefore, I venture to stand before this Court today with the most classical illustration, the illustration of a race, of a country, that has saved the world today, and in the last war, and did marvels in the cause of civilisation; and if that illustration is not going to be respected, I submit justice would be denied completely.” He referred to the Declaration of Independence made on the 4th July, 1776, by the Americans, and said: “Ultimately, a war was fought, which resulted in 1781 in establishing what is today the United States of America as an independent republic of the world. I venture to submit this, a historical instance, important in its character, valuable as showing the way in which the world has functioned.” He then quoted the oath of allegiance taken to the Provisional Government of Azad Hind, comparing it with the Proclamation of Independence of the United States of America. “What I wish to point out in that, in so far as these documents are concerned, they evince the same intent as was evinced by those who issued the Proclamation of Independence of the United States of America.”

Apart from the question of allegiance, did the fact that the I.N.A. men were prisoners-of-war make any difference to the position? This was on the assumption that, notwithstanding what had happened at Farrer Park, they continued to retain the status of prisoners. His contention was that no obligation whatever bound a person who is a prisoner-of-war from fighting on his own for the liberty of his own country. The evidence before the Court showed that, if any nation or any person or any

class came into being to oppose the independence of India, these men were prepared to fight them, including the Japanese. The point was that, if they honestly believed, as they did, then the question of what a prisoner-of-war cannot do does not actually arise and will not arise. It was not a case of any prisoner-of-war joining the enemy in order to fight the enemy's battle. The evidence before the Court showed that the first I.N.A. had broken up because of the apprehension of Mohan Singh that, in his absence, the army might be used by the Japanese for their purpose. That is why he stipulated that, should anything happen to him – if he was arrested or removed – the army should be dissolved. The reason for this was that, while, on the one hand, Mohan Singh was anxious that there should be an army formed for the liberation of India, at the same time he was equally anxious that the army should not serve as a mere instrument of Japan. The later events revealed by the evidence really showed that the position taken up by the I.N.A. was not of an instrument of the Japanese, but a body formed with the object of liberating themselves, no doubt, getting all the assistance that they could from the Japanese as an allied army. He then quoted in support of his argument the Bangkok Resolution, which provided “that the Indian National Army shall be made use of only (a) For operations against the British or other foreign powers in India; (b) For the purpose of securing and safeguarding Indian National Independence: and (c) For object, viz., Indian Independence.”

In that connection, he pointed out the evidence before the Court which showed that the Indian National Army was completely officered by Indian officers, and that, “apart from what you may call the general higher strategy, the Indian National Army was completely independent.” It had

also to be emphasised that the attempt made by the prosecution to prove that the I.N.A. was not voluntary had failed, because, from time to time, it had been shown from the speeches made by the accused and Subhas Chandra Bose that, at every stage, opportunity was given to every member of the I.N.A. to withdraw if he chose to do so. However, the strongest ground which established that it was voluntary was the fact, which is not disputed, that only a portion of the volunteers could be armed, equipped and trained because of the paucity of material and that there was a large number of people who could not be trained and could not be armed for want of resources. Thus, there were what was called the surplus volunteers.

Having dealt with the main charge of waging war against the King, he proceeded to deal in detail with the evidence on the alleged charges of murder. His main contention of facts was that the evidence produced was not sufficient to establish these charges.

In conclusion, he reiterated the legal position based on International Law, contending that, if the propositions which he had submitted were valid, the accused were protected in respect of the offences charged against them.

The result of the trial was, perhaps, a foregone conclusion. A judicial tribunal properly equipped and free from the atmosphere surrounding a military tribunal could clearly have done better justice to the doctrines of International Law put before it by Counsel for the Defence. They were said to be novel doctrines. But what was urged was that they were merely applications of accepted principles to conditions somewhat different, to situations between subject races and colonial rulers.

The Court Martial found Shah Nawaz Khan guilty not only of waging war against the King, but also of abetment of murder of one Mohamed Hussain. As to Sahgal and Dhillon, the court found them guilty only of waging war against the King. It sentenced all the three to transportation for life, cashiering and forfeiture of pay and allowances.

While the trial of the three was in progress, the military authorities had to deal with the question of others who were still to be tried. On the 11th November, 1945, Auchinleck called a conference of army commanders in Delhi. "Not only had the I.N.A. issue precipitated an emotional uproar all over India, it had profoundly affected senior and highly responsible officers of the Army itself. Opinion was deeply divided, both at this conference and afterwards, on the right course to take."* One of the Generals wrote to Auchinleck, stating that he fully realised "that the only thing which really matters in the present situation is the loyalty of the Army... I agree that it is highly desirable to stop propaganda as it is having an effect on many people, not only Indians. My point is that any leniency (call it what you will) will not attain our immediate object." In spite of the views of senior army officers that further leniency was undesirable and dangerous to the continued reliability of the Indian army, Auchinleck seems to have recommended that the remaining personnel should not be proceeded against on the charge of waging war against the King. Auchinleck wrote to the Viceroy on the 26th November, 1945:

"I know from my long experience of Indian troops how hard it is even for the best and most sympathetic British Officer to gauge the inner feelings of the Indian soldier, and history supports me in this view. I do not

**Ibid.*, p. 803

think my any senior British Officer today knows what is the real feeling among the Indian ranks regarding the 'I.N.A.' I myself feel, from my own instinct largely, but also from the information I have had from various sources, that there is a growing feeling of sympathy for the 'I.N.A.' and an increasing tendency to disregard the brutalities committed by some of its members as well as the forswearing by all of them of their original allegiance. It is impossible to apply our standards of ethics to this problem or to shape our policy as we would, had the 'I.N.A.' been men of our own race.”*

The Court Martial having pronounced its verdict, Auchinleck made his report to the Viceroy. In the report, he stated: “If these ideas are correct, and I think they are, then, there is good reason for thinking that the accused might have acted in good faith, however, wrong they may have been by our standards in forsaking their original allegiance. It is quite obvious that this is the general opinion held in India, not only by the public, but, from the information at our disposal, by quite a considerable part of the Indian army as well. I believe that to confirm the sentence of transportation on these two officers would have the effect of making them into martyrs and of intensifying the political campaign of bitterness and racial antipathy now being waged by Congress in connection with the I.N.A. trials.” He, therefore, proposed “in all three cases, to confirm the findings of the Court and to remit the sentences of transportation for life while confirming the sentence of cashiering and forfeiture of pay and allowances.” The proposal made by Auchinleck in regard to three officers

**Ibid.*, p. 806

convicted by the Court Martial was accepted, as also his recommendation that the charge of waging war against the King should be dropped in the future trials.

Auchinleck, the British Commander-in-Chief, was placed in an extremely difficult position. As his biographer puts it, in the Memorandum he sent to the Viceroy "he bared his soul as no Commander-in-Chief in the history of the Raj had ever done or found it necessary to do. They had ruled in the noonday. His was the sunset hour of British responsibility and authority. In the fading lights of an imperial system in retreat, he had no lamp to guide either himself or the brave, bewildered and deeply saddened men, his friends and brother-officers, who looked to him for help – no lamp except his own steadfast courage, his forty-two years of experience, and his boundless love of the peoples, all the peoples of India whom in those years he had striven to serve."*

Indian opinion would not, however, tolerate the trial of the remaining I.N.A. men for any offences whatever. Auchinleck wrote to the Viceroy on the 19th February, 1946:

But we appear, in spite of every attempt we have made, to have failed to persuade any section of the Press, even the European, that the policy is sound. My advisers and I have talked with a number of Indians on the subject, and the line generally taken, even by the most reasonable and well disposed Indians, is that, by punishing these men (which they admit to be just) we gain nothing, while we do increase ill-will which may lead to further riots as happened in Calcutta. They suggest that, while nothing that we do now will gain us positive goodwill, we

**Ibid.*, p. 813

can substantially reduce the present bitterness by calling off these trials and announcing a general amnesty.... If it should be felt advisable in the light of the general political background to adopt the solution, which appears to be recommended practically unanimously by Indian opinion, of dropping the remaining trials, the only possible way to proceed would, in my opinion, be for His Majesty's Government, possibly in the name of the King himself, to state that, while they think the line taken in India by the Government is both logical and in accordance with humanity, they feel that they must recognise the wave of sentiment of this subject which has swept over India, and in view of the coming political talks, they have therefore decided on a general amnesty.*

The advice given by Auchinleck was accepted.

The story of the I.N.A. trial in the Red Fort and its aftermath will not be complete without a reference to what Jawaharlal Nehru wrote to Auchinleck much later about it. On the 4th May, 1946, he wrote, thanking Auchinleck for his decision "to withdraw all trials of I.N.A. personnel. I am sure this decision will be widely welcomed and will help in producing an atmosphere which we all desire." That letter of Nehru correctly pictures the Indian point of view in regard to the I.N.A. trials, and a part of it needs to be put before the reader:

"I had not appreciated the political and international approach of some of the leaders of the Indian Independence movement in South-East Asia. I had differed from them in the past on international and

**Ibid.*, p. 815-816.

national issues. Nevertheless, I felt kinship and sympathy for these people and I knew well what the reaction of the public mind in India would be. The possibility that some swift action by courts-martial might be taken against large numbers of them filled me with apprehension not only because of the persons involved, but also because of the inevitable consequences in India. Sensing all this I made my first public reference to the I.N.A. and followed this up with subsequent references. It did not strike me at all at the time that political advantage could be taken of this affair. Then a strange and surprising thing happened, not strange in itself but very surprising because of its depth and extent. Though I had sensed the mood of the Indian people, I had not fully realized how far it went in this direction. Within a few weeks the story of the I.N.A. had percolated to the remotest villages in India and everywhere there was admiration for them and apprehension as to their possible fate. No political organization, however strong and efficient, could have produced this enormous reaction in India. It was one of those rare things which just fit into the mood of the people, reflect as it were, and provide an opportunity for the public to give expression to that mood. The reason for this was obvious. Individuals were not known nor were many facts known to the public. The story as it developed seemed to the people just another aspect of India's struggle for independence and the individuals concerned became symbols in the public mind. Whether one agrees with this or not, one should at least understand how things happen and what forces lie behind them. The widespread popular enthusiasm was surprising enough, but even

more surprising was a similar reaction of a very large number of regular Indian Army officers and men. Something had touched them deeply. This kind of thing is not done and cannot be done by politicians or agitators or the like. It is this fundamental aspect of the I.N.A. question that has to be borne in mind. All other aspects, however, important, are secondary.*”

The different aspects of the I.N.A. and the facts elicited at the trial of its three officers show the magnitude of the heroic drama enacted in South-Asia by that great Indian, Subhas Bose, aimed at the liberation of India. In its aftermath – the Red Fort trial – Bhulabhai, the great lawyer and nationalist leader, played a striking part in vindicating three of the officers who had fought in the I.N.A. The greatness of Subhas Bose lay in his vision and imagination and the reckless courage which he showed in the execution of his ideas. Let us not forget that many of the votaries of non-violence and those who practiced it never believed in it as a creed or religion as did its great apostle, Gandhi. To them, it was a choice of means one of which they believed to be more serviceable than the other in reaching the desired goal in the circumstances in which India was situated. To the common man in India – the villager to whom Nehru refers – when he heard of the heroic deeds of Subhash Bose and the I.N.A. men, they naturally became in his eyes patriots who had sacrificed or risked their lives in the cause of the country’s liberation. The greatness of Bhulabhai lay in the manner in which he projected

*Without expressing agreement with the answer suggested, one may refer to a question put by Auchinlek’s biographer from whom we have borrowed the whole text of Jawaharlal Nehru’s letter. He asks: “Who was the greater man in statesmanship or moral integrity – the writer of this letter or its recipient?”

the saga of these heroic deeds. The boldness of the conception which lay behind the founding of a Provincial Government of Free India and the plans and measures taken towards the liberation of the country – by no means fantastic – were matched by the thesis unfolded by Bhulabhai before the Court Martial, instilling as it did in the Indian mind that it was the right in law of Indians to organise themselves as rebels or insurgents in order to free their country.

No wonder that Bhulabhai received on his return to Bombay after the conclusion of the trial in January 1946, a hero's welcome.

Soon after his arrival, on the 13th January, 1946, he was accorded a reception at the Taj Mahal Hotel by the representatives of a group of the Press and was presented with an address in a silver casket for the services he had rendered to the country in the I.N.A. trial. The Mayor of Bombay and various other citizens spoke on the occasion. It was not surprising that, on that occasion, one of the speakers made a biting reference to the treatment meted to him by the Congress in respect of the Desai-Liaquat Pact. "It was difficult," he said, "to understand why Bhulabhai, who had done his best to keep the Congress alive when all its leaders were in jail and the Congress movement was at its lowest ebb, should have been excluded from representing it in the Assembly in the elections held in the winter of 1945."

We may conclude this chapter by quoting a letter written by Jawaharlal Nehru from Lucknow to Bhulabhai in Bombay on the 6th February, 1946:

Nandan met me today and told me that he had seen you in Bombay and that you had expressed your disappointment at my not having written or telegraphed to you at the conclusion of the first I.N.A. trial. You are

right and I am to blame. Still, as a matter of fact, I was full of admiration for your conduct of the case, and especially for your final address. I referred to this at the time in a number of speeches and in a press statement. I was rushing about from place to place and had little time to write. Subsequently, I was unfortunate enough to develop dysentery right in the middle of a tour. You will forgive me, I hope. Somehow, I felt later that it would be rather redundant and too late for me to write. But I was and am greatly impressed by your admirable conduct of the case.

The memorable part which Bhulabhai played in the I.N.A. trial was his last great act of service and sacrifice to the Congress and his Motherland. The immense strain which the trial had put on him left him only a few more months of life.

The End

AFTER his arrival in Bombay in January 1946, Bhulabhai's health deteriorated to an alarming extent. Doctors were in daily attendance on him. In the words of his doctor, "his mind was very active and clear. His sense of humour had left him. He was a disappointed man. He had hoped to devote the ripe years of his life to public service; but the opportunities were denied. The fact that he was forsaken by his Congress associates hung heavy on his heart and presented a great barrier against any successful treatment. The just rewards of his many sacrifices and invaluable services in the cause of his country's freedom were denied to him. Yet, he had no bitterness against anyone."*

Gandhi visited him twice during the last months of his illness. Both these visits were paid on a day on which he used to observe silence. Immediately on arrival, Gandhi intimated by signs to Bhulabhai that it was his *moun* (silence) day and that he would not speak. This was a great disappointment to Bhulabhai who had expected to hear from Gandhi's own lips the reasons why he had been treated by the Congress in a gravely unjust manner. With visible emotion he told Gandhi in the clearest terms that injustice had been done to him. He also told him that he regretted that he had chosen to visit him on his *moun* days, so that he could not discuss the matter with him. Notwithstanding the great emotion he was laboring under, there was a tone of courageous defiance in his

*Statement at Dr. R.N. Cooper, dated the 5th August, 1965

voice. He said that he wanted no favours either from Gandhi or anybody else, that he had served his country loyally and that he was sure that his country would do him greater justice than the Congress had done. To these words, there was no reply from Gandhi.

This ranking feeling of injustice and disappointment was noticed by all those close to him and who visited him at the time. With eyes moistened and a voice choked with emotion, he would, in conversation with them, refer to what had happened and say that, notwithstanding what the Congress had done, the country, and all who knew what he had done, and how he had worked for the country, would judge him rightly.

During the later days of April 1946, the doctors began to notice a gradual breaking down of his great mind. His precision in the use of words was suffering. Instead of using the appropriate word, he would sometimes use a whole sentence to convey his meaning. The end may be described in the words of his doctor:

Dr. Kohiyar and I attended him three times a day. Bhai had realised that his end had come and he would not let us go away from him when we visited him in the night without giving us a 'good night' kiss. Possibly he thought he would not be in this world when we came to him for our morning visit. The mental powers were disintegrating fast. He would have moments when his mind was a blank. In the early hours of the morning of 6th May, 1946, he was sinking into a coma. It was only when his daughter-in-law, Madhuri, called aloud to him 'Bhai'. 'Bhai' that he opened his eyes and moved his lips. Madhuri pressed some water to his lips and he passed into Eternity.*

*Statement of Dr. R.N. Cooper

His body lay in state in his library. Hundreds passed through the room to pay their last respects to this great fighter for his country's freedom.

His son, Dhiru, Shah Nawaz Khan (of I.N.A. fame), his doctor, Dr. Cooper, and another co-worker became his pallbearers. His mortal remains were lifted from off his library table to the words 'Jai Hind', and the funeral cortege left his house in Warden Road, proceeding towards the Congress House, from where the funeral procession had to be taken through the city. By the time the cortege had reached the Congress House, the crowd that followed had swelled into a huge number. At the Congress House his body was put on a truck and by this time, the streets round the Congress House were thronged with mourners who had now swollen into thousands. As the truck passed along Sandhurst Road, Kalbadevi Road and Princess Street, people from the houses threw flowers on the truck till it reached the cremation grounds at Marine Lines.

On Wednesday the 6th August, 1947, the citizens of Bombay paid a tribute to Bhulabhai at a Sheriff's meeting, which was presided over by Sir Chimanlal Setalvad. Bombay flocked to the Sheriff's meeting and heard warm and sincere tributes being paid "to the noble son of India." He has passed but he is 'going to be ever present in good men's memory and in the bright pages of history.'

Messages were received from Nehru, Sardar Patel and others. Sarojini Naidu, in a message, referred to Bhulabhai as 'my old and honoured friend whom I held in deep admiration and affection. Few men in our generation have been endowed with such a rare combination of gifts. His brilliant mind, his wide culture, his persuasive and powerful oratory, his generous heart, his quiet nobility of nature made him a remarkable

figure in national life. His contribution to the freedom of India has not yet been appraised; but his name will endure for his great services, and, especially, for his last supreme service in the Red Fort of Delhi which has enshrined him in the nation's love and gratitude." Rajagopalachari sent his "affectionate tribute to dear Bhulabhai who is gone, but ever present in good men's memory and in bright pages of Indian history." Maulana Azad said that, though not present, he was with them in spirit. "Trust Bombay will never forget the services rendered India by Bhulabhai and will raise fitting memorial for one of India's and Bombay's noblest sons." Rajendra Prasad said: "It would have gladdened Bhuabhai's heart to see how his labours and sacrifices are bearing fruit, if, he were alive today. Let us recall in all humility all his services, and resolve to prove ourselves worthy of the heritage which he worked to build for us."

Later, an auditorium was erected on the reclamation grounds in Bombay out of the fund collected to perpetuate his memory, which is known as the Bhulabhai Auditorium and is the scene of frequent public gatherings.

His Personality

WE have attempted to study as closely as possible Bhulabhai over the whole span of his life of over 68 years. We have sought to get glimpses of his thoughts and his views through his public utterances and through some letters and diary notes which are available. Let us see if we can get any closer to his personality, which a lawyer friend associated with him for years has described as “elusive, complex and baffling – a split personality”.

Bhulabhai was of medium height and slight build. He was brown in complexion and handsome in appearance. His round refined face with chiselled chin, his straight nose, his manner of speech, his fine clear voice, his pleasant delivery and his smiling face at once impressed and fascinated every person who came in contact with him. The peculiar charm of his sensitive face and his penetrating eyes under heavy eyebrows left an indelible impression on all who met him. It is difficult to describe his person in words and to bring out the peculiar characteristics and charms of his personality. Except that his forehead became bald and his hair at both ends of his forehead became grey, there was hardly any physical sign which showed that he had passed the age of sixty-eight. The most remarkable thing about his physique was that his eyes, his teeth and his faculty of hearing remained unaffected by age. Bhulabhai never used glasses. He had a brooding look.

As he always walked looking down, it created an impression that, even while walking, he was brooding or thinking seriously.

He started his career dressed in the traditional manner – a turban, long coat and trousers – and later discarded it to adopt the English dress. But, in the Central Legislative Assembly and on ceremonial occasions, he wore an achkan with churidar pyjamas he was immaculately dressed. When he started his career as an advocate, he used to wear a clipped moustache which disappeared in course of time.

Bhulabhai was very simple in his habits. He ate sparingly. In the later years of his life, he skipped his morning meal. But otherwise he loved life and enjoyed the good things of life. He drank a glass of wine or two, relishing them through a whole evening of lively refreshing conversation with friends.

The intense mental strain through which he passed every day in handling complex legal cases, involving difficult questions of law and fact, with his habit of turning over all the material facts in his mind, to which was frequently added the burden of his political work in the Assembly and elsewhere, many a time affected his sleep.

Two factors appear to one as basic to the great career he built for himself. The first was his natural endowment of a massive intellect with a prodigious memory combined with a rare capacity of rapidly picking out the essentials of all matters whatever he had to deal with. These gifts were cultivated by his extensive reading in the early days. The second, which, in fact, flowed from the first, was his overweening confidence in his own great powers always sure of being able to rise to any situation in which he might be placed.

As a student, Bhulabhai studied history, politics and economics and was very well grounded in the political history of England, Europe and ancient Greece. He had in those days

already studied Aristotle's *Politics* and Plato's *Republic*, and had read with keen interest J.S. Mill's *On Liberty* and Burke's *Reflections on the Revolution in France*. As a Professor of history and economics in the Gujarat College, he had widened the study of these subjects.

He had a natural aptitude for picking up languages. As his second language at college was Persian, he was well read in Persian literature and this enabled him to talk Urdu with considerable fluency. He occasionally addressed meetings in Urdu. He had not studied Sanskrit; but, in later life, he attempted to read Gita and other religious books. When he was a professor, one of his senior colleagues, Anandshanker Dhruva, persuaded Bhulabhai to write in Gujarati for a magazine 'Vasant', which he was editing. That was how Bhulabhai developed a flair for Gujarati writing and speaking. In 1934, he presided over the annual gathering of the Gujarati Sahitya Parishad and delivered a learned speech.

His career as a professor was, during the two years that he was at the college, a brilliant success. But his desire had always been to become a lawyer. He had heard of the great prizes in the legal profession. He had seen when a schoolboy, Chimanlal Setalvad who visited his father to canvass his father's vote at an election; and, perhaps since those days, he had thought to making for himself a career in law. But his father's death and the family circumstances had forced him to take a professorship in Ahmedabad. Yet, during the two years that he was there, he felt constrained, and still aspired to become an advocate at law. It was not an easy decision to take, leaving the comfortable career of a successful professor, widely appreciated by his students and colleagues for the rough and tumble of a lawyer's career in Bombay. Few would encourage him in taking these risks. It is said, however, that

Anandshankar Dhruva who had been greatly impressed by his intellect, his clarity of thought and his felicity of expression, encouraged him in the idea. Probably what eventually emboldened him to take this adventurous step was his own inner urge and long cherished desire for the laurels of this great profession, and his supreme confidence in his own ability to obtain success in it.

We have noticed Bhulabhai's short excursion into politics which ended in 1920. We have already traced his legal career and seen how he grew, in the seven or eight years after 1920, into a lawyer and advocate who had the reputation of handling any case of whatever complexity and was in demand all over the country in important and complicated cases. A question which naturally intrigues one is, what drew him into politics after 1928, notwithstanding his outstanding success at the Bar and at the sacrifice of his large income?

The answer is to be found partly in the political evolution of India which saw contemporaneously the rise of the great leader Gandhi and the spread of his cult of non-cooperation and civil disobedience. Till 1927, Bhulabhai was, more or less, a Liberal in his political views. With his intellectual background, his historical sense, his philosophy, he could not well keep himself out of the political arena. Yet, he had not made up his mind to plunge into the stream which was gathering strength all around. It maybe that he did not want to divert his attention from his profession: it maybe that the inner urge was not as yet intense enough to drive him into active politics; it maybe that, being temperamentally a liberal, he could not convince himself of the correctness of the Congress policies; it may be that he believed in an evolutionary process more than a revolutionary one. Whatever

be the true cause, he was not in active politics between 1920 and 1927.

When he had at about this time achieved the highest position in the profession, the call of the country came to him in the shape of a letter from Gandhi to help with his legal talent the peasants of Bardoli, to which we have referred in an earlier chapter. It would not be hazardous to guess that the experience which he gained in presenting the case of the peasants of Bardoli before the Broomfield Committee, brought about a radical change in his mental attitude and he began to feel that no Indian, whatever his position in any walk of life, was true to his country if he did not do what little he could for improving the condition of the masses which could be effectively achieved only if India became independent. Perhaps, it was in that frame of mind that he devoted at great physical and pecuniary sacrifice some months in presenting the case of the Bardoli peasants to the Committee.

There would also seem to be little doubt that the whole atmosphere in India had undergone a revolutionary transformation. Gandhi had achieved a wonderful revolution in the outlook of the people. The accepted values were, as it were, changed overnight. It seemed that people were ready to sacrifice, ignoring realities and striving for ideals. A nation downtrodden for over a hundred years showed a great awakening and a courageous conviction in the virtue of defying the foreigner's laws and challenging his domination. This revolutionary and creative movement affecting almost the whole nation found hundreds of thousands of people ready and willing – even eager – to make sacrifices for the freedom of the Motherland. Persons who were ignorant and could not comprehend the larger issues were prepared to give up their possessions and their lives for national freedom.

The sight of an individual weighing 82 lbs., aged about 60, living on the scantiest diet, spare of flesh, not attractive in his bare physical features, so unassuming, wearing just a loin-cloth, starting with a stick in his hand on a march to shatter and destroy the mightiest empire in the world, to defeat an armed nation with a new weapon, could not but affect a person of the intellectual caliber of Bhulabhai.

Gandhi had indeed awakened the nation. The spirit he had generated was more in the nature of zeal and religious fervor. Traditions were cast off, conventions were broken, age-long prejudices evaporated and things formerly thought unthinkable had become realities. What had spread in the country was not wholly a political movement. It was a movement which touched individual as well as national life in all its aspects. Could a change of climate almost universal faith to touch a mind of such delicate sensibility as Bhulabhai's?

A man's action, is, however, generally the result of a number of complex emotions and motives. It would be unsafe therefore to explain it by reference to a single factor or idea. It may be that there was an element of ambition which was perhaps responsible for the plunge into politics which Bhulabhai took. Perhaps, the great legal career which he had built up was not sufficiently satisfying. Some time in 1929, Bhulabhai is said to have asked a friend: "When I die, who will miss me?" His friend told him that only the legal circle in Bombay would miss him, stating that society misses a man if his life and presence in the world has benefited society. He said: "I have done no harm to anybody." But he agreed with the view that the place a man occupies in the lives of his countrymen determines his place in society. Out of the experience obtained from the struggle of the

peasants and masses, in which he had helped, and the sense of non-fulfilment by the mere attainment of a premier position in the profession, might have grown an urge to serve the country and make sacrifices for it. Whatever be the true analysis, the process which changed this clear-headed and seasoned leader of the Bar into a non-cooperating politician ready to disobey the laws, was, undoubtedly, a revolutionary mental conversion.

Such a conversion was the more remarkable in the case of Bhulabhai, whose outlook on life was intensely practical. He had often been heard to say that the only tangible thing in life was that which was real and that the real was essential physical – call it what one may. Till he joined the movement, his whole approach to life appeared to be that of a materialist. He certainly did not give the impression of being much enamoured of what was called India's ancient heritage in art and culture. He was essentially an individualist. He looked upon socialism with disfavour. Regarding injustice and inequality in the world, he was not impressed by the emphasis which was increasingly placed on the problems of injustice and inequality in society. He used to say that, when one raises questions of fairness and justice, one starts with a presumption that there is an absolute standard of fairness and justice. He refused to admit the existence of such a standard. His theme was: "That which is, and it is fair and just." He believed in the survival of the fittest and used to say that those who had survived were the fittest to survive. "They had survived, because they had, on the whole, a combination of qualities and capacities which enabled them to survive, and, in the process, those who were unfit had been weeded out." According to him, only sentimentalists talked of inequality. Equality was not possible. In human affairs it was impracticable,

so long as human nature was what it was, and you cannot alter human nature. All that can be practiced is human sympathy. The cry against capitalism, he used to say, was an outcome of jealousy, being the refuge of the disappointed and the unfit. He admitted that, in society as it was, there was ample room for making substantial changes by tasking more from the rich through progressive taxation and other means and using these resources for removing poverty and misery in others. When one thinks of these views held by him in those years, the remarkable change which was wrought in him strikes one as almost inexplicable.

Notwithstanding this great change, however, his lifelong contact with the legal profession and the cynicism which it developed in him stuck to him; and many a time, though he was essentially human, affectionate and emotional, he behaved in a manner which created the impression that he was unsympathetic, cold and without sentiment or warmth and indifferent to human suffering. And yet, there is no doubt that his sensitive mind was deeply responsive to human suffering and misery.

Sir Leonard Stone, the last English Chief Justice of Bombay, relates an incident about him which happened at the time of the Bombay Dock Explosion in 1944: "He was a very great man indeed – a man from whose eyes there shone the light of goodness, a man with whom you could not be long associated without being delighted by his personal charm and magnetism." He then proceeds to relate the incident which happened on the evening of the 14th April, 1944:

It was the evening of the 14th April, 1944, after there had been a terrible explosion of an ammunition ship in Bombay Docks. It so happened that my wife and I had arranged a dinner party for that night; it was the last

day of the legal term. No one knew exactly what had happened in the Docks, and we waited to see if any of our guests would turn up. Everybody came; twenty of them, including Bhulabhai Desai. Everybody wanted to get information about the disaster. We had a very subdued dinner, and, as soon as it was over, one of our guests suggested that we should all go to this house which was on the other side of the Malabar Hill and from which there was an excellent view towards the Harbour and the Docks. I remember passing through the hall of the house with Bhulabhai Desai so as to reach the back verandah. It was only then that the enormity of the catastrophe struck us – the crimson sky, the blazing godown area and the burning ships. Bhulabhai said at once: ‘Some of us ought to go down there.’ This was soon arranged. Bhulabhai, Sir Cowasjee Jehangir, Chagla, and myself (representatives of the four communities present) got into my car and drove into the Docks as far as the heat and flames would let us go. Bhulabhai went from group to group of the fire-fighters, encouraging them. The exhausted men blessed him, and then, inspired by his presence, redoubled their effort. There were some terrible sights – dead men, bits of men and blood. I tried to shield Bhulabhai from a particularly unpleasant sight; but he said ‘No; if we are to help, we must see everything, like the fireman. We must not be afraid’. His whole bearing and attitude was so selfless and so noble that the recollection of it is stamped on my memory as if it has happened but yesterday.

This incident, perhaps, brings out what has often been said by the wise: “It is only in a crisis that the true nature of a man appears.”

Discussion with him on any subject was always an intellectual treat. He was a great talker and conversationalist. He was at his best in a social circle, full of anecdotes, a good many of which related to himself. That was how he sometimes laid himself open to the charge that he loved to hear his own voice.

His zest for life was great or considerable and his enthusiasm and keenness for enjoyment were contagious. He had a genial sense of humour which constantly manifested itself.

Though Bhulabhai had not many intimate friends, he was intimate and cordial to the few with whom he was in close contact. Essentially human, he was a loving and loyal friend.

His family affections were deep and lasting. After the death of his wife, Ichhaben, after a prolonged illness in 1924, he was greatly distressed and depressed, the death giving him a shock which he took considerable time to get over. His exuberant and deep-felt affection for his son and daughter-in-law is revealed in his letter, which we have already seen.

Bhulabhai had only one issue – his son Dhirubhai. Dhirubhai, after receiving his education in the Bharda High School, graduated from the Elphinstone College with history and economics as his subject. After taking his L.L.B. Degree in the University of Bombay, he went to London for being called to the Bar. On his return to India in 1931, he joined the Original Side of the Bombay High Court. Dhirubhai married Madhuriben to whom he was devoted and who had considerable influence over him. With his studious habits, sweet temperament, courteous manners and social amiability, he began to make headway in the profession, and, within a short time, gathered a modest amount of work. He was very popular

with the members of the Bar. Bhulabhai was deeply devoted to his son. His affection for him was remarkable. Indeed it may be said that he doted on him, and Dhirubhai had considerable influence over Bhulabhai in many matters. Bhulabhai had also great affection for his daughter-in-law, Madhuriben. After Bhulabhai's death, Dhirubhai, although he was doing well in his profession, was persuaded by Sardar Patel to take up the post of India's ambassador in Switzerland. He was the youngest ambassador to be appointed by India. He did useful work for the country in that capacity. But, unfortunately, within three years of his accepting that office, he died prematurely, leaving no issue. Madhuriben survived him and has engaged herself in many social and cultural activities.

Some of the letters which we have seen clearly indicate that Bhulabhai was not an agnostic, though he did not believe in any organised or traditional religious worship. His mind was essentially rationalistic, having been in the habit of examining every issue critically from all points of view. He was conscious of the need of faith in some higher power, so as to provide him an anchor on which he could rest, and furnish him a source of mental support and spiritual sustenance. He told a friend that his attitude to life had become so rational and critical that it was difficult for him to have faith in anything and that this always made him feel ill at ease. One could see the effects of this feeling in a certain inner restlessness and loneliness in his mental outlook. It was surprising that a person with his wide reading, deep knowledge and vast experience could not have taken his unjust treatment by his political friends with greater equanimity and in a more calm and unruffled manner. That perhaps was due to his inner restlessness and want of faith.

It is difficult to say whether he had any clear ideas as to the purpose of human existence. He used to derive great satisfaction from reading the Bhagavad Gita in Gujarati or in its English translation. He did not seem to worry much about life and death. This may be illustrated by an incident. Bhulabhai had read a book whose significance was illustrated by a palm tree which was reproduced on the jacket of the book. He was so much impressed by the book that, one day in the evening, after the court hours, he asked a friend in his chambers to accompany him to the garden in the Elphinstone Circle where there were many palm trees of the peculiar variety mentioned in the book. One of the palms had just blossomed and the flowers were seen at the top. Bhulabhai in the company of his friend saw the tree in flower and said: "The life of this palm tree is symbolic of human life. This tree has grown for a number of years to flower only once, and, at the end of the flowering, it will die." Bhulabhai and his friend again visited the garden after three months and they found that the palm tree had died.

A great admirer and friend of Bhulabhai who was in close contact with him and had worked with him for a number of years was so much impressed by Bhulabhai's career, achievements and forensic talents, his brilliant and forceful advocacy and the peculiar charm of his personality which fascinated and captivated all persons who came in close contact with him, that he once asked him whether he was entirely satisfied with his life and whether he would like to re-live that life again. The subject was discussed between them from time to time. After some time, Bhulabhai, one day, brought to his friend Lord Haldane's *Autobiography* and drew his attention to a passage in the book, telling him that that passage

represented his outlook and attitude of life. Probably, many of his actions derived from his outlook. The passage ran:

So far as external circumstances are concerned, I would not, if I could take the chance of living life over again. A distinguished living statesman and a man of the world once asked me whether, even with the aid of such knowledge as experience had brought, I would like to try to begin life anew. My answer was in the negative. 'For' I added, 'we are apt greatly to underrate the part which accident and good luck has really played in the shaping of our careers and in giving us such successes as we have had.' His rejoinder was to the same effect as my answer to his question, 'I would not,' he said, myself try again, for, I do not feel sure that good fortune, irrational as it has been, would attend me in the same way.' The contingent plays a very large part even in the best ordered lives, and we do well to ask of philosophy to teach us how to make ourselves detached from the circumstances it brings, whether happy or otherwise. The best that ordinary mortals can hope for is the result which will probably come from sustained work directed by as full reflection as it possible. This result maybe affected adversely by circumstances, by illness, by misfortune or by death. But, if we have striven to think and to do work based on thought, men, we have at least the sense of having striven with such faculties as we have possessed devoted to the striving. And that is in itself a source of happiness going beyond the possession of any definite gain.*

He retained his great powers almost to the moment of his death. That is the testimony of a foreigner who saw him a little before his death:

**Autobiography*, Richard Burdon Haldane, pp. 353-354

Mr. Desai was dying of cancer; but he was still, it was said, one of the best legal brains in India. For a second time since Liberation, I was impressed by and....and now, Desai, the emaciated, hoarse Hindu, was a mind like a razor, aroused my admiration. When Mr. Desai spoke of a legal problem, he spoke with such lucidity that, never for a moment, could even a layman fail to follow his argument. When he examined facts, he sorted them with an uncanny precision into those that were admitted, those that were in dispute, those that were supported by uncorroborated testimony and those that had the backing of circumstantial, as well as written, or spoken, evidence. Mr. Desai, taught me again how good a lawyer should be. The Bar of India, let us admit it, owed much to the Bar of Britain, but the development, in its highest degree, of the Indian legal mind was an indigenous thing.... They had, and still have, some of the best lawyers in the world. This greatly increases their national strength. Any who covets India or parts of India, should pause and reflect. Mr. Desai died seven weeks after my visit. He faced death with the passivity and serenity of a Hindu gentleman.*

We have endeavoured to unravel Bhulabhai's complex personality looking at his eventful life of over 68 years. We have known him at school and college and as a professor, teaching the young. We have observed him at work, first as a rising junior and then as an accomplished advocate and a great cross-examiner, almost at the evening of his life. On

**Not Wisely But too Well*, Gerald Sparrow, Harrap, London, 1961, pp.148-149

at least two memorable occasions, we have witnessed him devotedly offering his unmatched legal talents and great intellectual gifts in the service of his Motherland. For over ten years, he used his great powers of debate and his silver-tongued oratory in the legislature fighting his country's cause. Accustomed to a life of luxurious comfort, he did not flinch when the time came to subject himself to the sordid and privation of a life in jail. His thoughts, even while in imprisonment, were for the amelioration of his poor, ignorant, downtrodden countrymen. Though he felt he was unjustly treated and unjustifiably humiliated, he did not hesitate, when called upon, to give his best unto the cause of the country at peril to his life. His wide reading, deep culture and catholicity of mind and spirit were appreciated by all who came in contact with him. His unbounded generosity in the country's cause and to devoted workers for the country and his unshakable loyalty to friends were widely appreciated. His deep affection for the family – for Ichhaben who left him in 1924 and for Dhirubhai and Madhuriben who were at his bedside at the end – breathed through all his acts and words.

Defects and shortcomings he, of course, had and in plenty. His great belief in his own intellectual powers and capacity made him too apt to talk of and about himself – sometimes in an exaggerated vein – making him appear almost vainglorious. The same belief, perhaps, drove him to talk most of the time in company, making him open to talk most of the time in company, making him open to the accusation of being fond of hearing his own voice. Again, the same overweening confidence in himself led him many a time to treat the lawyers who sought his advice and his juniors with curtness bordering almost on incivility. Generous in gifts of money to public causes, a graceful

host to fellow workers – his house was always open to public workers – he hardly ever showed that quality towards the junior members of the Bar working for him. Indeed he was often accused of jealousy in professional matters, which, it was said, prevented him from saying an appreciative word to a junior who had done well. He would sometimes make unfair and deprecatory comments about his equals and seniors in the professions, which laid him open to the imputations of greed and jealousy. He undoubtedly loved the pleasures of life, and shone well in social circles or round the festive board, regaling the company with many a story of himself and others.

Having filled the scales on either side, we would, I think, be justified in saying that here was a person who was intensely human, a great intellectual, an erudite lawyer and advocate, an eloquent and skilful parliamentarian and an unstinting and devoted servant of the Motherland.

Many noble and patriotic hands have laboured at the erection of the edifice of Free India. Bhulabhai's contribution to this great task was substantial and significant.

APPENDIX I

DESAI-LIAQUAT PACT: PHOTOSTAT OF AN EXPLANATORY
NOTE BY BHULABHAI DESAI WITH GANDHIJI'S
ALTERATIONS

①

I understood that the first
would be somewhat as follows:—

The League agrees with us
as to the composition & the interim
provisional at the Centre. The League
will be responsible for the
The League agrees that if the
proposal is accepted by the
G. S., the first step to be taken
by the new body will be to
release the Working Committee.

On this being done, the G. S. will
be requested to accept the
composition agreed upon (with
the addition of members especially
the elected parties or elements).

3

if the new permanent force
is formed while the Working
Committee is still in detention,
and the new force releases
them, why do you see
the danger in the way of
a permanent solution of the
Irish - Russian Question? The danger
lies with the H. being moved
that the situation is this
that if an interim force is
formed with the agreement of
the League, & the team works
fairly smoothly, the League may
(without penalty drinking it)

3

if the new permanent fund
is formed while the Working
Committee is still in detention,
and the new fund releases
them, why do you see
the danger in the way of
a permanent solution of the
Irish - Russian Question? The danger
lies with the - H. League movement
that the immediate danger is that
that if an interim fund is
formed with the agreement of
the League, & the team works
fairly smoothly the League may
(without possibly drinking it)

Cause, the Telen in the
Pakistan (direction of one
mile 1st)

(CONTINUED)

5

The per cent of M which
can be formed now with-
the consent of the League &
is within the frame-work
of the present Act - it will
consist of all Indian Represen-
tatives ^{now working by the Congress} ~~to take part~~ ^{in the} Council
~~- in chief.~~ ^{possible} ~~and centrally~~
a representation of the elected
representatives in the Assembly
(which consists of eleven
Members).

Have you anything to say
about this

It will be clearly under-
 -stood between the Congress
 & the League that any
 measure not passed by
 House shall not be
 enforced or Congress will
 enforce by any of the
 powers of the ~~League~~ under
 the Constitution. (This
 is the subject of responsibility ^{to the} ~~League~~ ^{House})
 The European members
 (if we have them accepted)
 should be the choice of the ~~League~~ ^{European} ~~League~~

APPENDIX II
DESAI-LIAQUAT PACT: PHOTOSTAT OF THE ORIGINAL
COPY SIGNED BY BHULABHAI DESAI AND LIAQUAT
ALI KHAN

Proposals for the formation of Interim
Government in the Centre.

The Congress and League agree that they will join in forming an interim government in the Centre. The composition of such government shall be on the following lines :

(a) Equal number of persons nominated by the Congress and the League in the Central Legislature (persons nominated need not be members of the Central Legislature).

(b) Representatives of minorities (in particular scheduled castes and the Sikhs).

(c) the Commander-in-Chief.

The Government will be formed and function within the framework of the existing Government of India Act. It is, however, understood that if the Cabinet cannot get a particular measure passed by the legislative assembly they will not enforce or seek to enforce the same by resort to any of the reserve powers of the Governor-General or the Viceroy (this will make them sufficiently independent of the Governor-General).

It is agreed between the Congress and the League that if such interim government is formed, their first step would be to release the Working Committee members of the Congress.

The steps by which effort would be made to achieve this end are at present indicated to take the following course :

On the basis of the above understanding some way should be found to get to get the Governor-General to make a proposal or a suggestion that he desires an interim government to be formed in the Centre on the agreement between the Congress and the League and when the Governor General invites Mr. Jinnah and Mr. Desai either jointly or separately, the above proposals would be made desiring that they are preparing to join in forming the Government.

The next step would be to get the withdrawal of Section 83 in the provinces and form as soon as possible, provincial governments on the lines of a coalition.

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Bhulabhai Desai is well-remembered for his defence of the three Indian National Army soldiers accused of treason during World War II, and for attempting to negotiate a secret power sharing agreement with Liaquat Ali Khan of the Muslim League. Bhulabhai began his political career with joining Annie Besant's All India Home Rule League. His connection with the Indian National Congress began when he represented the farmers of Gujarat in the inquiry by the British Government following the Bardoli Satyagraha in 1928. Convinced about the effectiveness of boycott of foreign goods, he formed the Swadeshi Sabha and persuaded textile mills to join in, with the aim of building a boycott by Indian companies of foreign goods. When the Congress entered the Central Assembly, he was elected leader of all elected Congressmen, thus becoming the majority leader. He built much respect and standing by forcefully leading the first elected representation of the Congress.

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